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WP No. 21960 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 21960 of 2015

and

M.P.No.1 of 2015

1. The Executive Engineer-cum-
Administrative Officer, Vellore Housing
Board Unit, Tamil Nadu Housing
Board, Sathuvachari, Vellore-632009.

Petitioner(s)

Vs

1. K.C.Suguraman,
S/o. Chinnasamy, No.20, 9th Street,
Kumarappa Nagar, Katpadi, Vellore
District.

2.The Presiding Officer,
Labour Court, Vellore.

3.Garnishee,
The Branch Manager, Syndicate Bank,
Nandanam Branch, Chennai-35.

Respondent(s)



PRAYER

Calling for the records relating the impugned order in E.P. No.5 of 2015 in C.P. No.256 of 2013 dated 18.05.2015 on the file of the 2nd respondent herein and quash the same

WP No. 21960 of 2015

For Petitioner(s): M/s. V.Logesh,sc

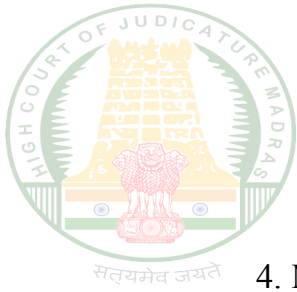
For Respondent(s): M/s.S.T.Varadarajulu For R1
R2- Labour Court
R-3 - No Appearance

ORDER

This writ petition has been filed seeking to quash the impugned order passed in E.P.No.5 of 2015 in C.P.No.256 of 2013 dated 18.05.2015 on the file of the second respondent herein.

2. This is the second round of litigation between the parties before this Court.

3. The first respondent had raised an industrial dispute in I.D.No.20 of 2001 before the Labour Court, Vellore. Learned Labour Court had passed an award in first respondent's favour and the petitioner was directed to reinstate the first respondent into service. The Labour Court has also ordered payment of back wages. Challenging the same, petitioner has filed WP No.14549 of 2004.



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4. Meanwhile, the first respondent has filed computation petition in C.P.No.256 of 2013 and the same was allowed and the petitioner was directed to pay an amount of Rs.4,36,823/-. Since petitioner has not honoured the same, the first respondent filed an execution petition in E.P.No.5 of 2015 to execute the award passed by the Labour Court in C.P.No.256 of 2013. The Labour Court had taken note of the fact that there was no stay granted in WP No.14549 of 2004 and observing that the workman cannot enjoy the fruits of the award if he is neither reinstated nor given wages for the period of non-employment, allowed the execution petition. Challenging the same, the present writ petition has been filed.

5. Learned counsel for the first respondent submitted that WP No.14549 of 2004 was dismissed by this Court vide order dated 18.10.2024, along with two other writ petitions. Learned counsel has also produced a copy of the said order.

6. I have perused the said order dated 18.10.2024. The relevant paragraphs of the order read as under:

“3. The one and only contention made by
Mr.V.Logesh, the learned counsel for the petitioner is that



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the respondents are only daily wagers and they will not come under the definition of workmen under 2(s) of the Industrial Dispute Act.

4. However, Mr.S.T.Varadarajulu, the learned counsel for the first respondent submitted that the above issue has already been raised before the Labour Court and the Labour Court has considered this as a preliminary issue and passed a separate order on 24.04.2003 by rejecting the contention of Management and by holding that the respondents would come under the definition of workmen and they are entitled to maintain the Industrial Dispute. Interestingly, the above order dated 24.04.2003 has not been challenged by the Management and it has attained finality and in fact that served the basis for the culmination of these impugned awards.

5. To be noted that pursuant to the award passed in I.D.Nos.20, 21 & 22 of 2001, the petitioners have filed several computation petitions and in which the amount payable to the petitioners pursuant to the award has been computed. The above awards passed by the Labour Court in those computation petitions have not been challenged. Only when the execution proceedings were initiated to recover the amount involved in the awards passed in the computation petitions, the petitioner Management appears to have filed a writ petition.



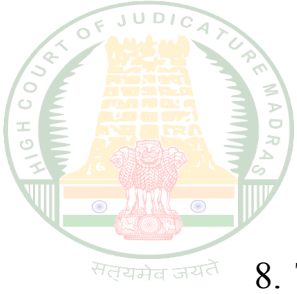
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6. From the letter dated 03.09.2013 of the petitioners, it appears that after having obtained the award in the computation petitions on the strength of the award made in the Industrial Disputes, the petitioners have settled a sum of Rs.14,16,865/- through cheques. Before confirming the fact whether the cheques have been actually issued to the first respondents and whether they have been encashed, the fact remains that the above conduct of the petitioners would only show that they have accepted the impugned order passed by the Labour Court. Having accepted the same and also acted upon it by making the alleged payments, nothing remains to be adjudicated in these writ petitions on the grounds raised by the writ petitioners.

7. It is reiterated that the status of the first respondents as workmen has also been upheld by the Labour Court and the same had attained finality as mentioned already.”

7. The issue raised in this writ petition is covered by the order dated 18.10.2024. Therefore, the writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, connected miscellaneous petitions, if any, stand closed.



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8. The petitioner is directed to pay the entire amount as directed by the second respondent/Labour Court, within a period of eight weeks, if there is no legal impediment.

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RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Presiding Officer,
Labour Court, Vellore.



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M.DHANDAPANI J.

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