



W.P.No.5352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.5352 of 2023

and

WMP.No.5374 of 2023

The Management
S736, Mettur Chemical Employees,
Co-operative Society,
Mettur Dam - 636 402, Salem District,
Represented by Administrator Mr. M.Subramani.

*(PETITIONER CAUSE TITLE AMENDED VIDE ORDER DATED
08.07.2025 MADE IN WMP.27754/2025 IN WP.5352/2023 BY PTAJ)*

... Petitioner

Vs.

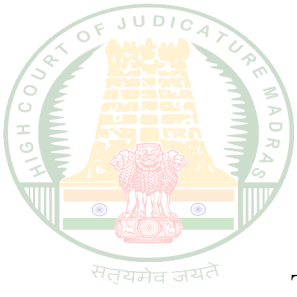
V.Manoharan

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, call for the entire records relating to the order dated 11.08.2022 passed in C.P. No. 22 of 2020 on the file of the Labour Court, Salem.

For Petitioner : M/s.P.Jagadeesan

For Respondent : M/s.Balan Haridas



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ORDER

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The management has challenged the order passed by the Labour Court, Salem directing the petitioner to pay a sum of Rs.2,63,652/- to the respondent herein towards unearned leave salary with interest at 9% per annum.

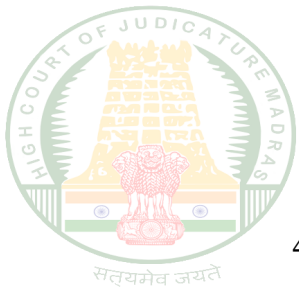
2. The challenge to the above order is on the following grounds:-

(i) The petitioner is not an workman as contemplated under Section 2(s) of the Industrial Disputes Act (herein after called as the "ID Act").

(ii) As per bye law No.21(3) of the Society the petitioner is entitled to earned lave of only 240 days and not 330 days.

(iii) Settlement entered into between the management and the employees union under Section 12(3) of the ID Act based upon which the petitioner seeks compensation for 90 days of unearned leave has been entered into post the retirement of the petitioner.

3. The respondent on the other hand would contend that he is entitled to encash 90 days of un earned leave by virtue of clause no.25 of the settlement dated 03.12.2018 entered into between the management and the employee Union under Section 12(3) of the ID Act which came into effect from 01.01.2017.



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4. The learned counsel for the petitioner would contend that the respondent cannot rely upon Section 12(3) settlement as the same has been annulled.

5. In reply to the said argument, the learned counsel for the respondent would rely upon the judgement reported in **1992 1 LW 747 - Op Bank Employees Union Etc. Vs. Tiruchirapalli Hirudayapuram Co-Joint Registrar of Co-Operative Societies, Tiruchirapallu etc;** wherein this Court has observed that the settlement entered into between the parties cannot be nullified except by another settlement.

6. Heard the learned counsel on either side and perused the records.

7. A perusal of Section 12(3) Settlement entered into between the management and the employees union dated 03.12.2018 would clearly indicate that it includes the post of the Secretary as well which post the petitioner was holding. Therefore, the argument that the terms of the settlement would not apply to the respondent cannot be countenanced.

8. The petitioner had relied upon the judgement of this Court in **WP.(MD) No.27461 of 2023** wherein this Court had observed that the



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petitioner therein who had retired earlier cannot claim a benefit of the subsequent amendment affected in the by laws of the society. However, in the instant case, Section 12(3) Settlement is for a period commencing from 01.01.2017 and the petitioner herein has retired from service on 30.04.2018. Therefore, the petitioner is entitled to the benefit of the settlement which covers the period in which he was in employment. Therefore, in the light of the above, I see no reason to interfere with the order passed by the Labour Court.

9. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

30.07.2025

Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No
(shr)

To

1. The Labour Court, Salem.



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P.T. ASHA. J.,

(shr)

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