



W.P.No.485 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.485 of 2011

V.Bagavathi Perumal

...Petitioner

Vs.

1. The Presiding Officer,
II Additional Labour Court,
Chennai.
2. Indian Organic Chemicals Limited,
Rep. by its Senior Manager (Personnel) Works,
Post Box No.7, Chinnasekkadu,
Chennai – 600 068.
3. The Joint Vice-President (Works),
Indian Organic Chemicals Limited,
Post Box No.7, Chinnasekkadu,
Chennai – 600 068.
4. The Accounts Manager,
Indian Organic Chemicals Limited,
Post Box.7, Chinnasekkadu,
Chennai – 600 068.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the order dated 02.11.2007 passed by the 1st



W.P.No.485 of 2011

respondent in C.P.No.311/2003, quash the same and consequently direct the respondents 2 to 4 to pay a sum of Rs.2,67,400/- towards voluntary retirement benefits and interest award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : No Appearance, for R2 to R4
R1 – Court

ORDER

This Writ Petition has been filed seeking quashment of the order dated 02.11.2007 passed by the 1st respondent in C.P.No.311 of 2003 and to consequently direct the respondents 2 to 4 to pay a sum of Rs.2,67,400/- towards voluntary retirement benefits and interest.

2. It is the case of the petitioner that he was working as an electrician under the 2nd respondent from 01.11.1984 to 27.12.1997. While so, as the 2nd respondent company fell into bad times and there was a financial crunch, a 12(3) settlement was entered into between the Management and the Workers Union during the year 1994 and the management offered to pay lumpsum to the employees who opted for voluntary retirement scheme. The said scheme became effective from 1995 and many employees opted for the said scheme. It is the further



W.P.No.485 of 2011

case of the petitioner that, he too opted for the voluntary retirement scheme and accordingly, he got retired from service on 27.12.1997. After a couple of years, the petitioner filed the present computation petition in C.P.No.311 of 2003 seeking for a direction to the respondents 2 to 4 to pay a sum of Rs.2,67,400/- towards voluntary retirement benefits. However, without considering any of the above said facts, the 1st respondent had rejected the said claim petition, vide present impugned order dated 02.11.2007. Challenging the same, the petitioner has come up with this Writ petition.

3. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

4. Though notice was served and the names of the respondents 2 to 4 were printed in the cause list, none appeared on their behalf. However, considering the period of pendency of this Writ petition, this Court is inclined to dispose of the same based on the available materials.



W.P.No.485 of 2011

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5. On a bare perusal of the material documents placed on record particularly the impugned order, it is seen that the petitioner had not opted for the voluntary retirement scheme, but his was a case of resignation simplicitor. It is further seen that, after getting relieved from the respondent management, the petitioner went abroad and worked for a couple of years. Later, he came down to India and filed the present CP seeking a sum of Rs.2,67,400/-. However, between the period he got relieved and till the date of filing of CP, there is absolutely no correspondence from the petitioner to the 2nd respondent company seeking retirement benefits. Indeed, the 2nd respondent company has settled the other lawful dues to the petitioner. The Petitioner never opted for voluntary retirement scheme and his resignation letter itself says that, due to family circumstances, he is submitting his resignation.

6. Further, a computation petition under Section 33C(2) of the Industrial Disputes Act, 1947 allows a workman to seek the computation of benefits due to them based on an existing right, arising from an award, settlement or legislation and the Labour Court's jurisdiction is limited to determining the amount due. In the present case, though the petitioner



W.P.No.485 of 2011

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claim that the respondent management had orally agreed to pay a sum of Rs.1,75,000/- in favour of the petitioner, however, the petitioner had miserably failed to prove the same before the 1st respondent and he had failed to prove as to how he is entitled to receive the said amount. Hence, in the absence of any material documents to prove the claim of the petitioner, the Labour court had rightly dismissed the claim made by the petitioner, in which, this Court does not find any fault with. Therefore, no case is made out by the petitioner for interfering into the well reasoned order passed by the 1st respondent dated 02.11.2007.

7. For the reasons aforesaid, this Writ petition stands dismissed.

No costs. Consequently, the connected miscellaneous petition, if any, is closed.

12.02.2025

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Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To:

The Presiding Officer,
II Additional Labour Court,
Chennai.

Page No.5 of 6



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W.P.No.485 of 2011

M.DHANDAPANI, J.

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W.P.No.485 of 2011

12.02.2025