



W.P.No.26449 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.26449 of 2015

Tamilnadu Kanima Niruvana Uzhiyar Sangam,
Rep. by its Secretary,
V.P. Chinthalan Ninaivagam,
Rajaganapathy Nagar,
Mettur Dam, Salem.

... Petitioner

Vs.

1. Tamilnadu Minerals Ltd.,
Rep. by its Chairman – cum – Managing Director,
31, Kamarajar Salai,
Chepauk, Chennai – 5.

2. The Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
Shastri Bhavan, Haddows Road,
Chennai – 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records, pertaining to the award dated 03.1.2014 in I.D.No.93 of 2009 passed by the 2nd respondent, quash the same, and consequently direct the 1st respondent corporation to extend the VRS benefits/ex-gratia to the workmen, who worked in the quarries of the 1st respondent corporation and who already retired in between 30.7.2002 and 11.5.2004 as provided under G.O.No.158 dated 13.05.2002 and to pay them the minimum guaranteed amount of Rs.1.5 lakh, after adjusting the amount already paid together with interest, award costs.



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W.P.No.26449 of 2015

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.T.R.Sathiyamohan [R1]
Tribunal [R2]

ORDER

The petitioner sangam impugns an order passed by the Central Government Industrial Tribunal cum Labour Court, Chennai, in I.D.No.93/2009 dated 03.01.2014.

2. The petitioner is a Trade Union espousing the cause of workers working in the quarries of the respondent. The Government of Tamil Nadu had introduced a voluntary retirement scheme (for short, the 'VRS') by order dated 13.06.1991. Subsequently, relaxation was made to the scheme by order dated 19.05.1998. By this relaxation, the workmen were able to go on voluntary retirement without reference to their age of service and benefits were payable to workmen on the basis of the scheme. While so, on 13.05.2002, the Government issued a new order regarding VRS for all public sector undertakings owned by the Government. According to the petitioner, the respondent was forcing the



W.P.No.26449 of 2015

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workmen to opt for VRS on the basis of the order dated 13.06.1991, by which employees who had completed 40 years of age or 15 years of service were made eligible to opt for VRS. The petitioner contended that the action of the respondent in not extending the benefits of the Government dated 13.05.2002 to the workmen is illegal and unjust. The petitioner raised an industrial dispute. Since the conciliation officer could not settle the matter, he submitted a failure report. The same was referred to the Labour Court, which was taken up in I.D.No.93/2009, by the Central Government Industrial Tribunal cum Labour Court, Chennai. Before the Labour Court, the union examined one witness and marked 16 documents and on the side of the management, no witness was examined but five documents were marked. The Labour Court, on an analysis of both oral and documentary evidence, ultimately dismissed the industrial dispute raised by the petitioner union. Challenging the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that, G.O. dated 13.05.2002 does not distinguish between staff and workmen. However, the 1st respondent was forcing the workmen to opt for VRS on the basis of the old G.O. dated 13.06.1991. The said erstwhile G.O. did not extent



W.P.No.26449 of 2015

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any ex-gracia benefit to the workmen. As per the G.O. dated 13.05.2002, the said benefit was extended. Therefore, he submitted that the 1st respondent was showing disparity among the staff and trying to create a wedge between the staff and workmen. He further submitted that the benefits of G.O. dated 13.05.2002 should be extended to all the employee irrespective of the status as workmen or staff.

4. Learned counsel appearing for the 1st respondent submitted that, G.O. dated 13.05.2002 is very clear and it is stated that ex-gracia amount of Rs.1,50,000/- is extended only to the staff and the workers would be given only Rs.1,00,000/-. Further, he submitted that the said aspect considered by the 2nd respondent/labour court in a proper prospective and findings has been rendered in this aspect. Therefore, he submitted that the order passed by the labour court does not call for any interference.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 1st respondent and also perused the materials available on record.



W.P.No.26449 of 2015

6. The only question to be decided in this writ petition is whether the Government Order dated 13.05.2002 and connected circulars are applicable to workers also?

7. The Government Order dated 13.05.2002 is marked as Ex.W.5 before the Labour Court and the Secretary to Government is its signatory. It is clearly stated in the said Government Order that ex-gratia is for the category of employees of public sector undertakings i.e. staff and officers drawing pay in scale of Rs.2550-3200 and above only, and that those in workers category are not covered by the said Government Order. It is further stated that the minimum guaranteed amount of Rs.1 lakh made available for workers of the 1st respondent has been made applicable to all the workers in public sector undertakings and also cooperative societies.

8. The Government order is clear. There is no ambiguity in the same. Though the learned counsel for the petitioner tried to raise a contention that the 1st respondent does not chosen to examine any witness on their side, this court is of the view that non-examination of any witness on the side of the government is not fatal. The relevant G.O. is



W.P.No.26449 of 2015

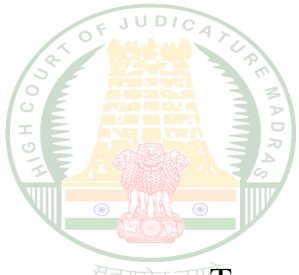
marked as Ex.W.5. A bare reading of the same would show that the government has not distinguish between the employees and each category is given ex-gracia amount as per salary. The very scheme, namely Voluntarily Retirement Scheme is only optional. An employee is at liberty to complete his tenure of service and superannuate from his position. No employee is forced to opt for voluntarily retirement scheme. Any employee would opt for VRS only after considering the pros and cons and the benefits that would derive and the losses that he would incur. Therefore, the contention raised by the petitioner that the scheme is beneficial to certain set of employees is unacceptable. Hence, the award passed by the Labour Court is upheld.

9. In the result, this Writ Petition fails and the same is dismissed.

No costs.

11.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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W.P.No.26449 of 2015

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Central Government Industrial Tribunal-cum-Labour Court,
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Chennai – 6.



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W.P.No.26449 of 2015

M.DHANDAPANI, J.

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W.P.No.26449 of 2015

11.03.2025