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W.P.No.5684 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5684 of 2021

And

W.M.P.No.6302 of 2021

The Management
Kamaz Vectra Motors Limited
No.7 & 8, SIPCOT Phase I
Hosur,
Represented by its Senior Manager HR & IR,
Mr.N.Bhaskar ... Petitioner

Vs.

Kamaz Vectra Motors Limited Branch
New Democratic Labour Front
Rep. by its Secretary ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records connected with the award dated 08.01.2021 passed by the Presiding Officer, Labour Court, Hosur in I.D.No.46 of 2019 and quash the same.

For Petitioner : Mr.Sanjay Mohan
Senior Counsel
for M/s.S.Ramasubramaniam and Associates

For Respondent : Mr.Balan Haridass



W.P.No.5684 of 2021

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records connected with the award dated 08.01.2021 passed by the Presiding Officer, Labour Court, Hosur in I.D.No.46 of 2019 and quash the same.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is engaged in the business of assembling the heavy duty trucks after importing the spare and components from Russia. The petitioner factory was started in the year 1997 as M/s.Tatra Udyog Limited and after Vectra Group of Companies purchased 100% shares, it was renamed as Tatra Vectra Motors Limited in the year 2006 and in the year 2009, Kamaz and Vectra Group of Companies entered into a joint venture and the company was renamed as Kamaz Vectra Motors Limited.

3.The learned Senior Counsel appearing for the petitioner further submitted that in the year 2010, the respondent union was formed and they submitted a charter of demands claiming wage revision, which resulted in Section 12(3) settlement between the petitioner and the



W.P.No.5684 of 2021

respondent union on 02.11.2010 with effect from 01.09.2010. As per the 12(3) settlement, the petitioner agreed to give various benefits including increase in wages and other allowances to 31 permanent employees who were in service as on the date of signing the settlement. During the period of the operation of the said settlement, 26 workmen who were not part of the settlement were made permanent depending on their date of joining from 01.04.2011 till 06.10.2011.

4.The learned Senior Counsel appearing for the petitioner further submitted that simultaneously, certain individuals whose services were confirmed after the date of settlement filed C.P.No.23 of 2013 and the same was dismissed on the ground that they did not have any pre existing rights and they also raised I.D.No.63 of 2019 claiming 20% bonus for the junior operators on par with the 31 workmen and the same was also dismissed. The 26 workmen who were made permanent after signing of the settlement raised I.D.No.46 of 2019 for wage increase on par with others covered in the settlement and the Labour Court passed the impugned award directing the petitioner to give wage increase to the 23 employees.



W.P.No.5684 of 2021

5.The learned Senior Counsel appearing for the petitioner further submitted that the 26 workmen who were made permanent after signing of the settlement were not part of the 12(3) settlement and hence, they are not entitled to claim the benefit, however, the Labour Court directed the petitioner to give wage increase to the 23 employees, which is not sustainable one.

6.Per contra, the learned counsel appearing for the respondent submitted that the petitioner fixed production target for the employees concerned in the industrial dispute and extracted work from them as per the 12 (3) settlement and further submitted that after extracting work from the workers to achieve the production targets as per the settlement, the petitioner cannot say that it will not extend the benefits of the settlement and the respondent proved by satisfactory oral and documentary evidence that 23 employees are entitled to the benefits of the settlement and hence inorder to avoid discrimination, the Labour Court passed the impugned order, which warrants no interference.

7.Heard the arguments advanced on either side and perused the materials available on record.



W.P.No.5684 of 2021

WEB COPY

8.Perusal of records reveal that the petitioner fixed production target for the employees concerned in the industrial dispute and extracted work from them as per the 12 (3) settlement and after extracting work from the workers to achieve the production targets as per the settlement, the petitioner cannot say that it will not extend the benefits of the settlement and the respondent proved by satisfactory oral and documentary evidence that 23 employees are entitled to the benefits of the settlement and hence inorder to avoid discrimination, the Labour Court passed the impugned order, which warrants no interference.

9.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.03.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Presiding Officer,
Labour Court, Hosur

5/6



WEB COPY



W.P.No.5684 of 2021

M.DHANDAPANI,J.
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W.P.No.5684 of 2021
And
W.M.P.No.6302 of 2021

26.03.2025