



W.P.No.6921 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.6921 of 2011

and

M.P.No.1 of 2011

The Superintending Engineer,
Vellore Electricity Distribution Circle,
TNEB, Gandhi Nagar, Vellore – 6.

... Petitioner

Vs.

1.Kalavathi
2.Naveen Sugan
3.Naveen Suganya

4.The Presiding Officer,
Principal Labour Court,
Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in Award dated 13.04.2010 made in C.P.No.40 of 2009 on the file of the 4th respondent herein and quash the same.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

For Respondents : Mr.J.Saravanavel [R1 to R3]
Labour Court [R4]



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ORDER

WEB COPY This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records in Award dated 13.04.2010 made in C.P.No.40 of 2009 on the file of the 4th respondent herein and quash the same.

2. The case of the petitioner is that, the respondents 1 to 3 are the legal heirs of the deceased Sundaresan, who worked as contract labour in the petitioner Board and he approached the Inspector of Labour under Tamil Nadu Industrial Establishment (conferment Permanent Status to Workmen Act, 1981) for conferment of the work rendered by him. The Inspector of Labour directed the petitioner Board to confirm the services of the deceased employee. Thereafter, the respondents 1 to 3 computation petition in C.P.No.40 of 2009 before the 4th respondent and the 4th respondent allowed the same vide order dated 13.04.2010, directing the petitioner Board to pay a sum of Rs.5,29,386.75/- to the respondents 1 to 3. Challenging the same, the petitioner Board has filed the present writ petition.



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3. Learned counsel appearing for the petitioner submitted that

WEB CO Computation Petition is filed only on the basis of the order passed by the Labour Inspector, however, the said order was modified by the Division Bench of this Court in W.A.Nos.1302 of 2003 etc., batch of cases dated 24.10.2018. Further, he submitted that similarly situated persons also filed CP and on the basis of the judgment passed in W.A., this Court set aside the CP. He further submitted that, since the present writ petition is filed as against the legal heirs of the deceased employee, this Court may pass appropriate orders.

4. Learned counsel appearing for the respondents 1 to 3 submitted that, any order passed as against the deceased person is not binding on the respondents 1 to 3. In the present case, the deceased or his legal heirs are not party in the W.A., hence, the said judgment is not applicable to the respondents 1 to 3. Further, he submitted that the total amount awarded in C.P. is Rs.5,29,386.75/- and out of the said amount, 50% has already been deposited before the Labour Court, which has been withdrawn by the legal heirs of the deceased employee and the petitioner has to deposit the remaining 50%. Hence, he submitted that, this Court may mould the relief in favour of the respondents 1 to 3.



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WEB COPY 5. It is true that the deceased employee was not a party before the Division Bench of this Court, thereby, the decision rendered by the Division Bench is not applicable to the respondents 1 to 3. However, considering the fact that, the deceased employee died prior to the judgment of the Division Bench and in order to strike balance in between the parties, this Court is inclined to pass the following orders :-

(i) the petitioner Board is directed not to recover any amount from the respondents 1 to 3 and the petitioner Board is also directed to draw a Demand Draft for a sum of Rs.2,00,000/- (Rupees Two Lakhs) as one time settlement in full quit, in favour of the 1st respondent, within a period of four (4) weeks from the date of a receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

06.02.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To
WEB COPY

The Presiding Officer,
Principal Labour Court,
Vellore.



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M.DHANDAPANI, J.

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