



W.P. Nos.8988 and 17304 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.02.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.8988 and 17304 of 2011
and MP No.1 of 2011

The Management,
M/s.E.I.D. Parry (India) Ltd.,
Rep. by its Vice President (HR)...

Petitioner in W.P.

No.8988 of 2011 /
1st respondent in
W.P. No.17304 of 2011

Versus

1.The Presiding Officer,
Labour Court,
Cuddalore.

... 1st respondent in
W.P. No.8988 of 2011 /
2nd respondent in
W.P. No.17304 of 2011

2. Chinnayyan

... 2nd respondent in
W.P. No.8988 of 2011 /
Petitioner in
W.P. No.17304 of 2011

Prayer in W.P. No.8988 of 2011 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari calling for the records of the 1st respondent in I.D. No.163 of 2007 and quash its Award, dated 10.02.2011.

Prayer in W.P. No.17304 of 2011 : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records and quash the order, dated 10.2.2011 passed by the 2nd respondent in I.D. No.163/2007 insofar as it has not granted seniority



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and attendant benefits and back wages and consequently directing the 1st respondent to pay back-wages and all attendant benefits with interest and cost and placing him in the original seniority (without break of service).

In W.P. No.8988 of 2011

For Petitioner	: Mr. Anand Gopalan for M/s.Agam Legal
For Respondents	: R1 – Labour Court Mr.D. Baskar for R1

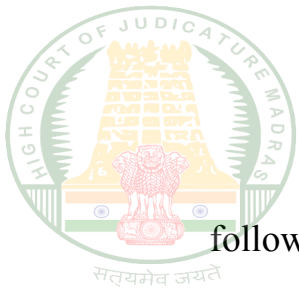
In W.P. No.17304 of 2011

For Petitioner	: Mr. D. Baskar
For Respondents	: Mr.Anand Gopalan for M/s.Agam Legal for R1 R2 – Labour Court

COMMON ORDER

The petitioner in W.P. No.8988 of 2011 is the Management (hereinafter referred to as Management) and the petitioner in W.P. No.17304 of 2011 was a Labourer (hereinafter referred to as Labourer) of the said Management. Aggrieved over the Award, dated 10.02.2011 passed by the Labour Court, these writ petitions have been filed by the petitioner in respective writ petitions and therefore, these writ petitions are disposed of by way of a common order.

2. Short facts, which led to filing of these writ petitions are as

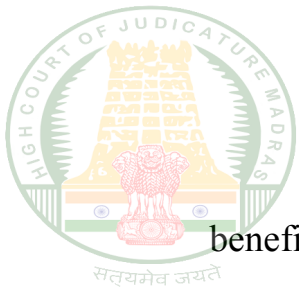


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follows :-

WEB COPY It is stated that the petitioner in W.P. No.17304 of 2011 was removed from service by way of retrenchment by the respondent / Management. Hence, the Labour Union filed I.D. No.1 of 1983 and the matter went upto Hon'ble Supreme Court. According to the Labourer, without following the directions issued by the Hon'ble Supreme Court, the Management acted in a partiality manner, thereby the Labourer was victimised and removed from service by way of retrenchment. Hence,

3. On the other hand, according to the Management, they have fully complied with the orders of the Hon'ble Supreme Court and there is no violation and if the Labourer found any irregularity, the matter can be taken to the Government. Further it is stated that the Management referred the dispute before the Tribunal in I.D. No.27 of 1991 and the same was also disposed of. Therefore, it is the contention of the Management that the claim for re-employment made by the Labourer is unsustainable. But it is the stand of the petitioner that in I.D. No.27 of 1991, the Labourer has not been impleaded as party and therefore, the Labourer filed a claim statement in I.D. No.163 of 2007 before the Labour Court seeking for reinstatement of service with all attendant



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benefits, seniority as well as all promotions due on that period.

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Subsequently, the said I.D. No.163 of 2007 was taken up for final hearing before the Labour Court and Final Award, dated 10.02.2011 was passed, which is impugned herein. In the impugned Final Award, dated 10.02.2011, the claim of the petitioner was allowed in part and thereby the Labourer is entitled for reinstatement only (as fresh entrant) and the Labourer is not entitled for attendant benefits, seniority or promotion. Aggrieved over the said impugned Award, the Management has filed W.P. No.8988 of 2011 and on the other hand seeking for remaining claims viz., seniority, attendant benefits and back wages, the Labourer has filed W.P. No.17304 of 2011.

4. Heard both sides and perused the materials available on record.

5. The facts of the case are not in dispute. Admittedly, the Management has been recruited the second respondent in the year 1983 which was upheld by the Hon'ble Apex court with slighter modification and grant permission to the management Under Section 25(f)(f) of ID Act for retrenchment and the same was complied with by the Management. It is also an undisputed fact that the workman received the compensation



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for retrenchment in the year 1983 itself. Thereafter, the workman claimed that two other similarly situated persons taken back as candidate for the management. Following the same, the workman made a representation to the management for reinstatement in the year 2007 and the same was not considered. Hence, the workman approached the Labour Court for the said issue. However, the Labour court ordered for reinstatement without any backwages. Aggrieved over the same the Management have filed these writ petitions.

6. The writ petitions are pending before this Court for 14 years. Under this situation, after a lapse of 14 years, ordering reinstatement of the workman would not arise as the workman has crossed the age and the compensation granted by the Labour Court to be enhanced. In order to strike out a balance between the parties, this Court is inclined to award a sum of Rs.2,00,000/- as full and final settlement along with 12% interest. The petitioner shall deposit compensation to the workmen with 12% interest to the credit of ID No.163 of 2007 on the file of the Labour Court, Cuddalore within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the workmen is entitled to withdraw the compensation.



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WEB COPY 7. With the aforesaid modification, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2025

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Index : Yes / No

Internet : Yes / No

To

The Presiding Officer,
Labour Court,
Cuddalore.



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M. DHANDAPANI, J.

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