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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. Nos.34188 of 2013 & Review Petition No.63 of 2014
& M.P.Nos.1 of 2014 (2 Nos.)**

The Management of Hinduja Foundries Ltd.,
Kathivakkam High Road,
Ennore, Chennai-57.
Rep. By its Deputy General Manager.

... Petitioner in both the writ petitions

-VS-

1. The Presiding Officer,
First Additional Labour court,
Chennai.

2. C.Kirupanithi

... Respondents in both the writ petitions

Prayer in W.P.No.34188 of 2013:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records of the first respondent in C.P.No.48 of 2012 and quash its order dated 27.08.2013.

Prayer in Rev. Pet. No.63 of 2014: Review Petition filed under Order 47 Rule 1 of CPC read with Sec. 114 of CPC, to review the order dated 14.03.2014 in M.P.no.1 of 2013 and M.P.No.1 of 2014 in W.P.No.34188 of 2013.

For Petitioner(s)	:	Mr. Anand Gopalan for M/s.Agam Legal
For Respondents	:	R1 – Court Mr.Nithyesh Natraj For Nithyesh Vaibav R2



COMMON ORDER

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2. It is the case of the second respondent that he joined the petitioner Management on 24.08.1980. In the year 1997, he was terminated from service for the acts of misconduct. Therefore, the second respondent raised a dispute before the Labour Court. During pendency, the matter was settled between the parties. Accordingly, the second respondent was appointed afresh on 30.06.1999. The petitioner floated a VRS scheme on 24.02.2011. The second respondent applied under the scheme and was informed that for the purpose of VRS his date of appointment will be the date on which he lastly joined the petitioner. Accordingly, the second respondent was relieved under VRS on 20.05.2011. Thereafter, the second respondent filed C.P.no.48/2012 that his date of appointment should be reckoned as original date 24.08.1980 and should be paid VRS benefits accordingly. Petitioner filed its counter statement placing the above facts. By order dated 27.08.2013, the first respondent allowed the petition filed by the second respondent. The present writ petition has been filed



against the order of the first respondent dated 27.08.2013.

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3. The learned counsel for the petitioner submitted that admittedly, the respondent was given fresh appointment only w.e.f 28.07.1999 and pursuant to the appointment, he has entered into service on 30.06.1999 as per the VRS scheme. The person who are completed 10 years of service, he/she is entitled for full lumsum compensation. However, in the present case, the second respondent has rendered minimum service. As per VRS scheme, the second respondent is entitled for a sum of Rs.5,77,434/-. Without considering the same, the Labour Court, order the computation petition, which is not sustainable one.

4. Per contra, the learned counsel for the second respondent submitted that admittedly, the second respondent has rendered 30 years of service with the petitioner Management. As per VRS Scheme, the second respondent was entitled for a maximum amount of Rs.12,50,000/- However, the petitioner Management has paid only Rs.5,77,434/- instead of Rs.12,50,000/- The petitioner Management has not furnished any details as to on what basis the VRS compensation in respect of the second respondent was calculated. Hence, the Labour Court also awarded compensation in favour of the second



respondent which is very meager.

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5. Heard the learned counsel for the petitioner and the learned counsel for the second respondent and perused the materials available on record.

6. Admittedly, the second respondent entered into service in the year 1980. Subsequently, the order of termination was passed. Thereafter, the workman raised a dispute before the Labour Court and subsequently, it was disposed by entering joint compromise memo. However, the said order was not produced by any of the parties before this Court. The Labour Court resolved the dispute only on the basis of the salary certificate / Ex.P9 which was issued by the petitioner Management for the month of January – 2011 which reveals that the second respondent was appointed in the year 1980. The Labour court found that the second respondent has rendered 30 years of service in the petitioner Management and computed the amount as per VRS scheme, which is perfectly in order and the same does not required any interference.

7. It appears that the petitioner has already paid a sum of Rs.5,77,434/- to the second respondent. Therefore, the petitioner Management is directed to deposit the remaining amount without any interest to the credit of



C.P.No.48/2012 before the Labour court within a period four weeks from the

date of receipt of a copy of this order, failing which, the petitioner is entitled to

deposit the said amount with 12% interest.

8. With the above direction, the writ petition is dismissed. In view of the order passed in the writ petition, the review petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

NCS : Yes/No

To

The Presiding Officer,
First Additional Labour court,
Chennai.



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M.DHANDAPANI, J.

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Review Petition No.63 of 2014**

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