



WEB COPY

W.A.No.759 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 759 of 2025
and CMP No.6396 of 2025

The Divisional Engineer,
Highways Department,
Sugarcane Development Projects,
Beach Road, Cuddalore 607 001.

...Appellant

Vs.

1. P. Durai

2. The Presiding Officer,
Labour Court,
Cuddalore – 1.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.1972 of 2024 dated 05.09.2024.

For Appellant : Mr.T.Chandrasekaran
Special Government Pleader



J U D G M E N T

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*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The Challenge to the award made in an Application under Section 33C(2) of the Industrial Disputes Act, 1947 was rejected by the Writ Court leading to the Appeal.

2. It is not in dispute that an award was passed by the Labour Court, Cuddalorein ID. No.592 of 1992 on 12.05.1998 directing the appellant to reinstate the workman along with 50% back-wages. The challenge to the award in WP No.118 of 1999 is failed. Thereafter, since the award was not implemented, the first respondent moved the Labour Court in CP Nos.53 of 2012 and 41 of 2014 seeking computation of the dues payable to him. It was against this order passed in the Computation Petition, the Writ Petition was filed. The Writ Court has rejected the challenge.

3. We have heard Mr.T.Chandrasekaran, learned Special Government Pleader appearing for the appellant.



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4. Though, Mr.T.Chandrasekaran, learned Special Government Pleader would vehemently contend that since the Writ Petition challenging the original award in WP No.118 of 1999 was pending till 2006, the Labour Court ought not to have computed the dues payable to the workman for the period during which the Writ Petition was pending, we are unable to agree. Once an award is passed, the workman would be entitled to the benefits of the award and it is not in dispute that the award has been confirmed by this Court also. Therefore, there is no escape for the appellant/Management from complying with the award.

5. Considering the scope of the proceedings under Section 33C(2) of the Industrial Disputes Act 1947, we see no reason to interfere with the order of the Writ Court, the Writ Appeal fails and it is accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)

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jv
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Index : No
Neutral Citation : No
Speaking order

To

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