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W.P.No.18042 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.18042 of 2021

And

W.M.P.No.19270 of 2021

Puthiya Jananayaga Thozhilalar Munnani
Kamaz Vectra Motors Branch,
Rep. by its Secretary

... Petitioner

Vs.

The Management
Kamaz Motors Limited

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the award passed by the learned Labour Court, Hosur in I.D.No.63 of 2019 dated 21.11.2020 and quash the same.

For Petitioner : M/s.Balan Haridas

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



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the award passed by the learned Labour Court, Hosur in I.D.No.63 of 2019 dated 21.11.2020 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner originally raised industrial dispute before the Labour Court, Salem and the same was numbered as I.D.No.202 of 2014. Thereafter, it was transferred to the Labour Court, Hosur, as per the proceedings of this Court in ROC.No.1854/17 G3, dated 11.12.2019 and was re-numbered as I.D.No.63 of 2019. The learned counsel further submitted that the issue that was considered by the Labour Court in the industrial dispute was whether the demand of the petitioner union to cancel the circular of the respondent Management dated 23.10.2013 and grant 20% bonus to the junior operators and fixed term employees, who were made permanent after 02.11.2010 is justified or not? and the Labour Court dismissed the industrial dispute. The learned counsel further submitted that when one set of employees



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who are similarly situated are given 20% bonus, giving only 8.33%

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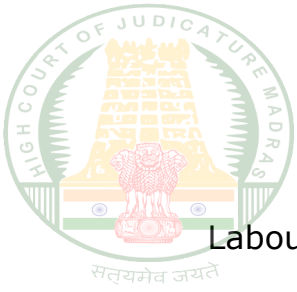
bonus to junior operators and fixed term employees is not sustainable one.

3.The learned Senior Counsel appearing for the respondent submitted that bonus can be claimed only on the basis of profit. In the present case, the employees in a particular wing was granted 20% bonus on the basis of the profit earned by them and the junior operators and fixed term employees cannot claim bonus on par with them and the said issue was rightly appreciated by the Labour Court.

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

5.Admittedly, one set of employees were given 20% bonus and another set of employees were granted 8.33% bonus and such discrimination was approved by the Labour Court, which is not sustainable one.

6.The writ petition is allowed. The award passed by the learned



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Labour Court, Hosur in I.D.No.63 of 2019 dated 21.11.2020 is set

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M.DHANDAPANI,J.
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aside. The respondent Management is directed to grant 20% bonus to the junior operators and fixed terms employees who were made permanent after 02.11.2010, as expeditiously as possible. 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.

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