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W.P No. 17654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 17654 of 2023

and

WMP.No.16746 of 2023

The Management
Mahavir Plantations Pvt Ltd.,
Represented by its Director,
Mr Lalu T.Bhansali
Naduvattam, Ooty Taluk,
Nilgiris District.

..Petitioner

Vs

S.Surendran

..Respondent

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records in C.P.No. 137 of 2021 dated 16.09.2022 on the file of the respondent and quash the same.

For Petitioner : Mr. Harshavarthan. G
For Mr. Harikrishnan

For Respondent : Mr. R.Prabhakaran
For Mr. K. Balasubramaniam



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ORDER

The Challenge in the captioned writ petition is to the order dated 16.09.2022 passed by the C.P.No.137 of 2021 in the said order, the labour Court has allowed application filed under Section 33(c)(2) of the ID Act 1947 and directed the petitioner-Management to pay a sum of Rs.2,58,726.92 along with interest at the rate of 12% per annum from 01.05.2007 till payment, and also directed the petitioner-Management to pay the cost of litigation of Rs.25,000/-.

The admitted facts are as follows;

2. The respondent-workman had worked with the petitioner-management from 01.04.1980 to 30.04.2007 after submitting resignation letter, the respondent was relieved and claimed that the petitioner-management has not paid the salary from November, 2004 to April, 2007 which comes to Rs.2,58,726.92. Despite repeated requests, the petitioner management did not acceded to the request of the respondent-workman, necessitating the workman to file an application under Section 33(C)(2) of the I.D Act 1947 before the Labour Court concerned. Before the labour Court, the petitioner-management



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filed their objections to the claim petition filed by the respondent-workman.

The respondent-workman examined himself as PW1 and exhibited documents as Ex.P1 to Ex.P11. The petitioner-Management neither examined any witnesses nor marked any documents to negate the claim of the respondent-workman. The labour Court after considering the materials on record, passed the impugned order.

3. Learned counsel for the petitioner-management submitted that the claim petition under Section 33(c)(2) of Act, 1947 was after inordinate delay of more than 12 years and therefore, the same was barred by limitation. Learned counsel placed reliance on the documents pertaining to the salary paid to the respondent-workman for the said period was not available and therefore in the absence of any cogent evidence that the respondent-workman was due arrears of wages for the said period, the impugned order passed by the labour court is not legally sustainable and liable to be set aside. Additionally the learned counsel argued that the interest awarded by the labour court is on the higher side, and the same may be reduced.



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4. In response, the learned counsel for the respondent submitted that there is no limitation period prescribed for filing application under Section 33(C)(2) of Act 1941. He further further submitted that the documents produced by the respondent-workman clearly establishes that the petitioner was due of arrears of wages for the said period and the labour Court taking into consideration of the same, passed by the impugned order and the same does not warrant any interference.

5. Heard both sides and perused the documents available on record.

6. The respondent-workman to substantiate his claim, has produced the details of pending salaries of the respondent-workman as of 31.03.2007, which is exhibited at Ex.P10. Perusal of the said document indicates that the petitioner-management has admitted that the respondent-workman was not paid wages from November,2004 to March, 2007 and the arrears of the wages computed to Rs.2,58,726.92. These documents has not been disputed by the petitioner-management and no evidence was adduced by the petitioner-management to disbelieve the claim of the respondent-workman nor cross examining the respondent-workman. The labour court after taking into



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consideration the above uncontroverted facts and passed the impugned order.

The award passed by the labour court is based on the appreciation of evidence and records and in the absence of any arbitrary and illegality, the finding recorded by the labour court cannot be faulted with.

7. As regards the interest awarded by the labour Court, the learned counsel for the petitioner-management relied on the decision of the Bombay High Court in the case of ***Municipal Council, Bhandara Vs Vimal***, wherein the Apex Court held that “*the proceedings under Section 33(c)(2) of the ID Act 1947 are in the nature of execution proceedings only and there is no provision therein to award interest on the amount found due.*”

8. Though Section 33(C)(2) of the Industrial Disputes Act, 1947 does not expressly provide for grant of interest, the facts of this case warrant such direction. The petitioner-management has admitted that a sum of Rs.2,58,726.92 is due towards arrears of wages, as seen from Ex.P10. The respondent-workman repeatedly demanded payment through communications dated 04.12.2015 (Ex.P5), 16.12.2015 (Ex.P6), 19.04.2017 (Ex.P7) and 02.01.2018 (Ex.P8).



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9. Despite these repeated requests, the petitioner-management failed to pay the admitted dues without any sufficient cause. A workman who has persistently sought release of his arrears cannot be deprived of interest, at least from the date of filing of the claim petition, for the period during which the employer wrongfully withheld the amount.

10. The Industrial Disputes Act, 1947 being a beneficial legislation, the Labour Court is empowered to award interest as an incidental and ancillary relief to ensure that the workman is not prejudiced by delayed payment of admitted wages. Therefore, to this limited extent, the impugned order warrants modification.

9. Accordingly, the following order is passed;

i. Writ petition is allowed in part. The impugned order passed by the labour court as regards payment of arrears of Rs.2,58,726.92 is sustained including the litigation cost of Rs.25,000/-. However, the said amount shall carry interest at the rate of 9% per annum from the date of claim petition till actual payment.



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ii. Respondent-workman is permitted to withdraw the entire amount deposited in the labour Court following the interim order passed by this Court.

iii. Entire amount shall be paid within a period of one month from the date of uploading of this order copy on the official website of this Court.

iv. Consequently, connected Miscellaneous Petition is closed.

There shall be no order as to costs.

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Index : Yes/No

Internet : Yes/No

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HEMANT CHANDANGOUDAR, J.

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