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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.3694 & 3711 of 2025

& CMP.Nos.19787 & 19820 of 2025

& CMP.Nos.26864 & 26866 of 2025

The Management of Melanmai Eyakkunar,
Tamil Nadu Kudineer Vadikal Variyam,
Chepauk, Chennai – 5.

... Petitioner in
both CRPs

Vs.

K.Nagaraj

... Respondent in
CRP.No.3694 of 2025

M.Sakthivel

... Respondent in
CRP.No.3711 of 2025

Common prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to strike off the Execution Petition Nos.1 & 2 of 2025 in ID.No.48 of 2001 on the file of the Industrial Tribunal, Chennai.

For Petitioner : Mr.S.Silambanan
Senior Counsel
for Mrs.S.Mekhala in both CRPs

For Respondent : Mr.R.Krishnasamy in both CRPs



COMMON ORDER

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Mr. S. Silambanan, learned Senior Counsel appearing for the petitioner, made a mention seeking clarification with regard to the operative portion of the order passed in these Civil Revision Petitions.

2. According to the learned Senior Counsel, both the petitioner as well as the respondents have restricted their claim only from 06.12.2010 and not from 01.08.2006, in respect of which other workmen were granted monetary benefits.

3. The learned counsel for the respondents would fairly submit that even in the counter filed in the original proceedings, the respondents have restricted their entitlement only from 06.12.2010.

4. Mr. S. Silambanan, learned Senior Counsel, would further bring to my notice that before the Labour Court, the respondents had expressed their satisfaction if they were regularised and did not insist upon back wages. This issue is left open to be decided by/before the Labour Court.

5. In the light of the above, paragraph No.29 of the order dated 05.12.2025 shall stand substituted as follows:-

“29.In fine, the Civil Revision Petitions are disposed of, directing the petitioner to compute the amounts payable in terms of G.O.(D).No.152 dated 16.04.2021, Municipal Administration



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and Water Supply (WS3) Department on the same lines on which similarly placed workmen have been paid and pass on all monetary benefits, with effect from 06.12.2010, in terms of the order passed in W.M.P.No.139 of 2013 in W.P.No.24307 of 2023 and CP.No.1467 of 2015 and SLP.(C)No.1497 of 2017 and 17707 to 17710 of 2016, to the respondent in both the revision petitions, within a period of 12 weeks from the date of receipt of a copy of this order, failing which the respondents would be entitled to pursue the remedy sought for in their respective execution petitions. Additionally, it shall be open to the petitioner to negotiate with the respondents regarding waiver of the monetary benefits subject to the service of the respondents being regularized in the pending execution petitions. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.”

07.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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Note: Registry is directed to issue a fresh order copy in C.R.P.Nos.3694 and 3711 of 2025 dated 05.12.2025 after making necessary corrections.



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P.B. BALAJI,J.

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To

The Industrial Tribunal, Chennai.

CRP.Nos.3694 & 3711 of 2025
& CMP.Nos.19787 & 19820 of 2025
& CMP.Nos.26864 & 26866 of 2025

07.01.2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 13.11.2025

Order pronounced on : 05.12.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.3694 & 3711 of 2025

& CMP.Nos.19787 & 19820 of 2025

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The Management of Melanmai Eyakkunar,
Tamil Nadu Kudineer Vadikal Variyam,
Chepauk, Chennai – 5.

... Petitioner in
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For Petitioner : Mr.S.Silambanan
Senior Counsel
for Mrs.S.Mekhala in both CRPs

For Respondent : Mr.V.Ajoy Khose in both CRPs



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COMMON ORDER

The Management of Melanmai Eyakkunar, Tamil Nadu Kudineer Vadikal Variyam, Chennai, is the revision petitioner in both these revision petitions.

2.The revision petitioner challenges the order of arrest passed by the executing Court, issuing a direction to arrest the Managing Director of the revision petitioner and detain him in civil prison for disobedience of the award in I.D.No.48 of 2001.

3.I have heard Mr.S.Silambanan, learned Senior Counsel for Mrs.S.Mekhala, learned counsel for the petitioner and Mr.V.Ajoy Khose, learned counsel for the respondent in both the revision petitions.

4.Mr.S.Silambanan, learned Senior Counsel appearing for the revision petitioner/Management would first and foremost submit that the very execution petition itself filed after lapse of 23 years, from the date of award was liable to be dismissed, on the ground of delay and laches. He would

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further contend that the award in I.D.No.48 of 2001, which is now sought to be executed in the impugned execution proceedings, was only in favour of the Tamil Nadu Kudineer Vadikal Variya Oozhiyar Madhya Amaippu (CITU) and the said award cannot be taken advantage of by the individual respondents in these revision petitions.

5.Mr.S.Silabanan, learned Senior Counsel would further state that the Labour Court had made it clear in the award dated 24.01.2003 that though the Board has recruited 1172 employees on consolidated basis as on 27.11.2001, the date of the communication of TWAD Board, only 881 employees were eligible, being employees on consolidated basis under consolidated pay. He would further contend that the respondents, no doubt, were employees under the petitioner, but however, they had been dismissed from service for misconduct and hence, their names did not figure in the list of persons in the award. He would further state that the Labour Court had clearly directed that the employees, who attended continuous service of 480 days alone, were entitled to regularization in terms of Section 3 of Tamil Nadu Industrial Establishment (Conferment) of Permanent Status of Workmen Act, 1981.



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6. Relying on the same, learned Senior Counsel would contend that the respondents are attempting to belatedly implement an award passed during the period, when the respondents were admittedly not in service and had been dismissed. Learned Senior Counsel would however fairly submit that the orders of dismissal were challenged by the respondents, by raising separate industrial disputes and the Labour Court, by order dated 06.12.2010, set aside the dismissal orders of the respondents, which was impugned before the Labour Court, that is the order dated 18.11.2002.

7. Mr. S. Silambanan, learned Senior Counsel would therefore state that even though the said award in favour of the respondents became final and the respondents were reinstated, unless the respondents filed a petition for computation, the petitioner would not be in a position to ascertain the amounts, if any, due to the respondents. He would further state that there was no occasion for the petitioner to even contest the entitlement of the respondents, especially their attending continuous service for 480 days. He would further submit that taking advantage of the implementation of the awards in favour of the respondents in their respective IDs, the respondents



cannot take umbrage under the original award passed in favour of the Union, especially when their names did not figure in the final list of eligible employees. He would further submit that similarly placed employees sought for confirmation and regularization and the respondents also should have followed similar course instead of directly filing an execution petition, that too, seeking arrest of the Managing Director of the petitioner/Management. He would therefore pray for the revisions being allowed.

8.Per contra, Mr.Ajoy Khose, learned counsel for the respondents would submit that admittedly in the award passed in favour of the Union, the names of the respondents were figuring as members of the Union and it has never been the case of the petitioner/Management that the respondents are not eligible, for not having attendant continuous service for 480 days, which was a pre-requisite for being entitled to regularization.

9.As regards the pruned list, Mr.Ajoy Kohose, learned counsel for the respondents would submit that at that relevant point of time, since the respondents had been dismissed from service, their names were not included in the list prepared by the petitioner/Management. However, when



admittedly both the respondents succeeded in their challenge to the dismissal orders passed against them and the same came to be allowed in favour of the respondents and confirmed by this Court with the dismissal of the writ petition filed by the petitioner and direction regarding payment of back wages was also complied with admittedly and pay was determined at Rs.1300/-, there can be no second opinion with regard to the completion of 480 days by the respondents.

10.The learned counsel for the respondents would also state that insofar as the Industrial Disputes Act, there is no limitation for enforcing the awards. He would further state that one of the respondents, namely the respondent in CRP.No.3694 of 2025 has already retired and the respondent in CRP.No.3711 of 2025 is also due to retire in about a year's time and the petitioners have been denied their lawful and legitimate entitlement and in such circumstances, there was no illegality in the respondents approaching the executing Court to execute the award passed in favour of the Union, which clearly enures to the benefit of the respondents as well. He would therefore pray for dismissal of the revisions. In support of his contentions, he relies on the decision of the Apex Court in *Gangadhar Pillai Vs. Siemens*

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Limited, reported in (2007) 1 SCC 533 and the Management of Tamil Nadu

State Transport Corporation Vs. P.Jagadeesh in Civil Appeal No.7866 of 2014 dated 10.07.2014.

11.I have carefully considered the submissions advanced by the learned Senior Counsel for the petitioner and the learned counsel for the respondents. I have also gone through the records, including the award of the Labour Court.

12.The respondents were initially appointed as Maintenance Assistants, on a consolidated pay, in or about 2000. FIRs came to be registered against them and they were dismissed from service on 18.11.2002. The petitioners filed I.D.Nos.477 & 382 of 2003 and the same came to be allowed on 06.12.2010. Though the awards were challenged by the revision petitioner, the writ petitions came to be dismissed by this Court and subsequently, the respondents have been reinstated with back wages and continuity of service.

13.It is therefore contended by the learned counsel for the respondents that when the names of the respondents figured in the list of employees, who



were entitled to the benefit of the award passed in favour of the Union on 24.01.2003, merely because the petitioners were not in service on account of being dismissed on 18.11.2002, it cannot be put against them to deny their benefits, when the I.D.Nos.472 and 382 of 2003 came to be allowed, setting aside the dismissal orders and also directing continuity of service. I find force in the submissions of the learned counsel for the respondents that on the ground that the respondents name did not figure in the revised list of eligible employees, on account of then existing position of the respondents being dismissed from service alone they cannot be non-suited. Admittedly, when the said dismissal orders were set aside with continuity of service, then the respondents are certainly eligible to be included in the list.

14.It is not in dispute that the respondents' names figure in the employees list, which form part of the award in favour of the Union. In such circumstances, I do not see any merit in the argument of the learned counsel for the petitioner that on 24.01.2003, when the award was passed in favour of the Union, the respondents not being in service, they are not entitled to claim any benefit.



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15. Even with regard to the argument of the learned Senior Counsel for the petitioner that the respondents have belatedly approached the executing Court and the petitions for execution are hopelessly barred by limitation, I am unable to countenance the said argument as well.

16. It is clear that the only ground on which the names of the respondents were omitted in the revised list of eligible employees, was because the respondents, on that relevant date had been dismissed from service. However, when the respondents were reinstated with continuity of service, then they are deemed to be employees and fully entitled to the benefits of the award passed in favour of the Union, especially when their names admittedly figured in the list of employees, which form part of the award in favour of the Union and the said award in favour of the Union was also taken up to the Hon'ble Supreme Court and even review petitions and curative petitions were unsuccessful and only in April 2021, the award in favour of the Union was even decided to be implemented and complied with, I do not see how any delay can be put against the respondents herein.

17. As regards the similarly placed employees, numbering 23, who



have filed claim petitions, seeking relief, merely because some other employees chose to file claim petitions, it does not mean that the respondents also would have to be compelled to adopt such a course, when the award of the Labour Court in favour of the Union, included the names of the respondents, has been confirmed up to the Hon'ble Supreme Court. There is no point in contending that the respondents are not entitled to reap the benefits of the award in favour of the Union.

18.As regards the contention of the learned Senior Counsel that there has been no occasion for the petitioner to even dispute or challenge the entitlement of the respondents on their claim that they have continuously served for 480 days, which is a pre-requisite, though I find that the Labour Court has referred to the communication dated 27.11.2001 that even though 1172 employees were recruited on consolidated basis, as on 27.11.2001, only 881 employees were working under consolidate pay. However, while giving final directions and disposing of I.D.No.48 of 2001, the following directions alone were issued:

“a) It is stated by the petitioner's Union that most of the petitioners were appointed in the TWAD Board during



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the year 1997. It is also a fact that all the workmen appointed on consolidated basis were subsequently appointed on Four categories i.e. Electrical Superintendent, Electricians, Fitter and Maintenance Assistants. As stated by the learned counsel appearing for the petitioner's union all the employees recruited by the Board are entitled to be regularized as per Sec.3 of Tamil Nadu Industrial Establishment (Conferment) of Permanent Status Workmen Act, 1981 provided if the workmen attended the continuous service of 480 days. Accordingly their services are being regularized.

b) In the process of regularization, the TWAD Board is directed to find out the eligible employees covering under the Tamil Nadu Industrial Establishment (Conferment) of Permanent Status Workmen Act, 1981. In such a way the Board is directed to prepare the list of eligible candidates for the regularization of their respective posts.

1.Electrical Superintendent, 2.Electrician, 3.Fitter and 4.Maintenance Assistants.

In view of the ordering regularization of the post of Electrical Superintendent, Electrician, Fitter and Maintenance Assistants the concerned individuals working in their respective posts have been regularized.

c) The regularized employees are entitled to claim time scale of pay from the date of this award according to the post in which they were already appointed on consolidated basis.”

Therefore, in view of the said award and the subsequent awards passed in favour of the respondents, reinstating them with continuity of service, the only spoke that can be put in the way of their entitlement is that they have not attended continuous service of 480 days. In all other respects, the respondents are eligible to be regularized.



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19. In this regard, it is useful to refer the decision of the Hon'ble Supreme Court in *Gangadhar Pillai's case*, referred herein supra. The Hon'ble Supreme Court held that it is not the law that completion of 240 days of continuous service in a year, the employee concerned becomes entitled to regularization of his services and/or permanent status. The concept of 240 days in a year was introduced in the industrial law for a definite purpose that a statutory liability is fastened on the employer to pay compensation to be computed in the manner specified in Section 25-F of the Industrial Disputes Act, 1947, before the employee is retrenched from services and not for any other purpose. The Hon'ble Supreme Court further held that in the event of violation of the said provision, termination of services of the employee may be found to be illegal, but only on that account, his services cannot be directed to be regularized and that a direction to reinstate the workman would mean that he gets back the same status. The ratio laid down in this decision was followed subsequently in *the Management of Tamil Nadu State Transport Corporation's case* as well.

20. In the light of the above, as held by the Hon'ble Supreme Court,



when the employee is reinstated, when he gains his original status which would automatically bring him within the fold of list of employees, who are eligible to the benefits of the award passed by the Labour Court on 24.01.2003. In any event, at the risk of repetition when the respondents have been reinstated and also paid back wages at the rate of Rs.1,300/- per month only considering that they had put in service of three years, I do not find the arguments advanced on the side of the petitioner that the petitioner did not have any occasion to verify the entitlement of the respondents, acceptable.

21.No doubt, the respondents have straight away filed execution petitions and there has been no opportunity to the petitioner to even contend that the respondents may not be eligible. However, I find that insofar as the awards in favour of the respondents, after unsuccessfully challenging the orders directing reinstatement, the respondents have not only been reinstated, but the directions regarding back wages payable at the rate of Rs.1,300/- per month, has also been complied with, considering the service of three years put in by the respondents. Therefore, the contention of the learned Senior Counsel that there has been no opportunity for the petitioner to examine the entitlement of the respondents cannot be countenanced.



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22.In fact, in the execution petitions as well, the respondents have filed a supporting affidavit, where they have categorically asserted that they are workmen covered in the Annexure to the schedule of reference in I.D.No.48 of 2001 and when the Tribunal's award dated 24.01.2003 in the said ID came to be modified by the Division Bench in W.A.No.531 of 2014 by order dated 14.07.2014 and the reliefs have been given to similarly placed workmen, whose names were part of the Annexure, the respondents are consequently eligible for permanency, regularization and scale of pay from 01.04.1998, as given to others and monetary benefits from 01.08.2006.

23.In fact, the execution petition was not filed straight away and it was preceded by a representation dated 28.05.2018 and a lawyer's notice dated 09.01.2021 as well. Despite the same, the petitioner has not conferred the benefits of the award in I.D.No.48 of 2001, insofar as the respondents are concerned. The respondents have also stated that the similarly placed Maintenance Assistants are drawing a salary of Rs.54,000/- in contrast to Rs.15,236/- being paid to the respondents. In the light of the above, I do not see how the respondents can be disentitled to the attendant benefits, which



have been conferred to the other employees, whose names were similarly included in the list of employees of the Union.

24.The fact that the respondents' dismissal orders were set aside with continuity of service closes all doors on the petitioner to even contend that the respondents are not eligible to the benefits of the award, as on the date of the award, they were not in service. However, at the same time, the respondents ought not to have opted for the extreme step of arrest of the Managing Director of the petitioner/Management.

25.Admittedly, even according to the respondents, similarly placed Maintenance Assistants are being paid a sum of Rs.54,000/- per month and they could have straight away calculated the amount payable to the respondents and sought for recovery of the same, failing which, punitive measures could have been sought for. In the light of the above, I am inclined to set aside the orders passed by the executing Court, directing arrest of the Managing Director of the petitioner/Management.

26.In fact, I find that even in the said G.O, the Government has



addressed the delay in regularization of 23 employees and other similarly placed persons in Tamil Nadu Water Supply and Drainage Board and has recommended disciplinary action to be taken against the concerned officers for not acting in time.

27. Even in view of the stand of the Government, I am unable to countenance the arguments of the learned Senior Counsel that the respondents should be directed to file a fresh claim petition, to quantify the amounts payable to them.

28. In view of the above foregoing discussion, I do not see any necessity to relegate the parties to further rounds of litigation, especially considering that there have been multiple rounds of litigation up to the Hon'ble Supreme Court, I am inclined to dispose of the Civil Revision Petitions with directions.

29. In fine, the Civil Revision Petitions are disposed of, directing the petitioner to compute the amounts payable in terms of G.O.(D).No.152 dated 16.04.2021, Municipal Administration and Water Supply (WS3) Department

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on the same lines on which similarly placed workmen have been paid and pass on all monetary benefits, with effect from 01.08.2006, in terms of the order passed in W.M.P.No.139 of 2013 in W.P.No.24307 of 2023 and CP.No.1467 of 2015 and SLP.(C)No.1497 of 2017 and 17707 to 17710 of 2016, to the respondent in both the revision petitions, within a period of 12 weeks from the date of receipt of a copy of this order, failing which the respondents would be entitled to pursue the remedy sought for in their respective execution petitions. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

05.12.2025

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To
The Industrial Tribunal, Chennai.



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P.B. BALAJI,J.

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Pre-delivery order made in
CRP.Nos.3694 & 3711 of 2025
& CMP.Nos.19787 & 19820 of 2025
& CMP.Nos.26864 & 26866 of 2025

05.12.2025