



W.P.No.24786 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.24786 of 2022

B.Vijayakumar

.. Petitioner

VS

The Managing Director,
Vellore District Consumer Cooperative Wholesale
Stores Limited, Anna Salai,
Vellore – 632 0014.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, after calling for the concerned records from the 1st respondent, quash the order of the Principal Labour Court, Vellore dated 02.08.2022 in C.P.No. 103 of 2016 as illegal, arbitrary and contrary to law and consequently direct the respondent to pay the difference of wages of Rs.2,01,168/- payable to the petitioner for the period from 01.04.2008 to 31.12.2011 in terms of the Settlement entered under Section 12(3) of the I.D.Act, 1947, dated 26.06.2009 and 24.10.2011.



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For Petitioner : Mr.Balan Haridas

For Respondent : Mr.R.Balaramesh

ORDER

The captioned writ petition has been filed seeking issuance of a Writ of Certiorari to quash the order dated 02.08.2022 passed by the Principal Labour Court, Vellore in C.P. No. 103 of 2016. By the said order, the Labour Court dismissed the application filed by the petitioner under Section 33(C)(2) of the Industrial Disputes Act, 1947 (for brevity, "the Act").

2. The petitioner was employed as a Driver in the respondent establishment from 22.05.1977 to 31.05.2015. The union, of which the petitioner was a member, entered into settlements under Section 12(3) of the Act. The said settlements were dated 26.06.2009 and 24.10.2011. As per the terms of the settlements, the workmen, including the petitioner, were entitled to revised wages for the period from 01.04.2008 to 31.03.2013.

3. The petitioner, alleging that the revised wages due for the period from 01.04.2008 to 31.12.2011 under the terms of the settlement had not been paid, filed an application under Section



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33(C)(2) of the Act. The Labour Court dismissed the application on the grounds of limitation and also for the reason that the petitioner had not filed a calculation memo claiming arrears of revised wages. Aggrieved by the same, the present writ petition has been filed.

4. Mr.Balan Haridas, learned counsel for the petitioner, submitted that the petitioner initially made a claim for a sum of Rs.2,92,276/- in the claim petition but subsequently restricted the claim to Rs.2,29,162/-, which was not disputed by the respondent establishment. He further submitted that the Labour Court was not justified in dismissing the application as barred by limitation. Learned counsel also submitted that similarly situated persons were extended the benefit of revised arrears of wages, and the said issue had attained finality before this Court in W.P. No. 18990 of 2019, vide order dated 19.04.2021. Therefore, he prayed that the impugned order passed by the Labour Court be set aside and the application filed under Section 33(C)(2) of the Act be allowed.

5. In response, learned counsel for the respondent establishment submitted that the arrears of revised wages had already been paid to the petitioner and that the application filed under Section 33(C)(2) of the Act was barred by limitation. It was



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contended that the Labour Court had considered all relevant aspects in proper perspective and rightly dismissed the claim petition. In the absence of any illegality or infirmity in the impugned order, the writ petition, according to the respondent, is devoid of merit and liable to be dismissed.

6. The arguments of the learned counsel for both parties and the materials placed on record have been duly considered.

7. It is an admitted fact that the union, of which the petitioner was a member, had entered into settlements with the respondent establishment under Section 12(3) of the Act, vide settlements dated 26.06.2009 and 24.10.2011. As per the terms of the said settlements, the workmen, including the petitioner, were entitled to revised wages for the period from 01.04.2008 to 31.03.2013.

8. The petitioner's union had earlier filed an application under Section 33(C)(2) of the Act in C.P. No. 99 of 2017. The Labour Court, by order dated 28.02.2019, allowed the said application and directed the respondent to pay a sum of Rs.65,70,600/- towards arrears of revised wages to the union on behalf of the employees listed in the calculation memo dated 28.11.2018. The said order



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was challenged by the respondent before this Court in W.P. No. 18990 of 2019. The Coordinate Bench of this Court, by order dated 19.04.2021, dismissed the writ petition and confirmed the order passed by the Labour Court, while denying the interest component awarded therein if the amount was paid within the stipulated period.

9. The Coordinate Bench, in its order, observed that two settlements were entered into on 26.06.2009 and 24.10.2011, and that the claim was made only in the year 2017. The Bench held that the contention of the management regarding limitation was untenable in view of the judgments of the Hon'ble Supreme Court in *Bombay Gas Company Ltd. v. Gopal Bhiva and Others* [1963 (2) LLJ 608] and *Chief Mining Engineer, East India Coal Co. Ltd. v. Rameswar and Others* [(1968) 1 LLJ 6 (SC)], wherein it was held that the period of three years' limitation is not applicable to claims made under Section 33(C)(2) of the Act. The said order has attained finality and has already been implemented.

10. In the present case, the claim petition was filed in 2016. Initially, the petitioner claimed Rs.2,92,276/-, but later restricted his claim to Rs.2,29,162/-, which was not disputed by the respondent. The Labour Court, however, dismissed the claim



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petition on the ground that the petitioner had not furnished a proper calculation excluding the period for which he had admittedly received the revised salary from January 2011 to October 2011. It is seen that the petitioner had already excluded the said period and restricted his claim accordingly. When the revised amount was not disputed, the Labour Court was not justified in rejecting the claim on the ground that the exact amount due was not disclosed.

11. The Labour Court further dismissed the application as being barred by limitation. This Court, in the aforesaid W.P. No. 18990 of 2019, has categorically held that the three-year limitation period is not applicable to applications filed under Section 33(C)(2) of the Act. Since the petitioner in the present case is also claiming arrears of revised wages under the very same settlements that were the subject matter of the said writ petition, the finding of the Labour Court that the claim is barred by limitation is unsustainable and liable to be set aside.

12. In light of the foregoing discussion, this Court is of the considered view that the petitioner is entitled to arrears of revised wages for the relevant period amounting to Rs.2,29,162/-.



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13. Accordingly, the following order is passed:

- (i) The writ petition is allowed.
- (ii) The impugned order dated 02.08.2022 passed by the Principal Labour Court, Vellore in C.P. No. 103 of 2016 is set aside, and consequently, the application filed under Section 33(C)(2) of the Industrial Disputes Act, 1947, is allowed.
- (iii) The respondent is directed to pay a sum of Rs.2,29,162/- to the petitioner within a period of four (4) months from the date of uploading of this order on the official website of this Court. In the event the respondent fails to pay the said amount within the stipulated time, the petitioner shall be entitled to interest at the rate of 6% per annum on the said amount from the date of default until actual realization.
- (iv) No costs.

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Index:Yes/No
Neutral Citation:Yes/No
ssm



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To

- 1.The Managing Director,
Vellore District Consumer Cooperative Wholesale Stores Limited,
Anna Salai,
Vellore – 632 0014.
- 2.The Principal Labour Court,
Vellore.



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HEMANT CHANDANGOUDAR, J.,

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