



W.P.(MD) No.2397 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.2397 of 2019

P.Kamatchi

... Petitioner

Vs

The Management Of
M/s. National Cooperative Sugar Mills Ltd.,
Mettupatti, Alanganallur,
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Labour Court, Madurai in I.A.No.146 of 2016 in C.P.No.129 of 2014, dated 14.08.2018, quash the same as illegal and direct the respondent mill to disburse the balance arrears amount of Rs.1,37,173/- to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.K.Gokul,

For Respondent : No Appearance



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ORDER

This Writ Petition has been filed aggrieved by the order passed by the learned Presiding Officer, Labour Court, Madurai in I.A.No.146 of 2016 in C.P.No.129 of 2014, dated 14.08.2018, whereby, the learned Labour Court upheld the preliminary objection raised by the respondent on the maintainability of C.P.No.129 of 2014 filed by the petitioner herein.

2.The petitioner herein made a claim for payment of 50% arrears of the salary for the period commencing from 01.07.2003 to 01.07.2005. During which period, the petitioner was subjected to lay-off and was paid only 50% of the salary. The said lay-off made applicable by the respondent Sugar Mill was subjected to challenge before the Industrial Tribunal, Chennai in I.D.Nos.46 of 2003, 7 of 2004, 40 of 2004 and 2 of 2005 and the said lay-off was upheld by the learned Industrial Tribunal and the same was also further confirmed by this Court in W.P(MD)No.11535 of 2008 and batch. Notwithstanding the same, the petitioner approached the Labour Court, Madurai by filing C.P.No.129 of 2014 claiming for 50% of the balance wages



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for the period from 01.07.2003 to 01.07.2005.

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3.It is not in dispute that the petitioner herein is one among the workmen, who were laid-off during the above said period. Admittedly, the petitioner was paid 50% of the wages for the said period. The claim of the petitioner is for the balance 50% of the wages in the C.P.No.129 of 2014. As the lay-off imposed in the respondent Sugar Mill, was subjected to challenge and the same was upheld by the Industrial Tribunal as well as by this Court, the respondent herein filed I.A.No.146 of 2016 challenging the maintainability of the C.P.No.129 of 2014 filed by the petitioner herein. The said application was allowed by order, dated 14.08.2018. Aggrieved by the same, the petitioner approached this Court by filing the present writ petition.

4.It is an admitted fact that the petitioner is one among the workmen, who were subjected to lay-off during the period from 01.07.2003 to 01.07.2005. Once the validity of the said lay-off was challenged before the Industrial Tribunal and the same was upheld and on confirmation of the same by this Court, the said validity of the lay-off has become final. Once lay-off



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imposed in the respondent sugar mill is upheld by this Court, the question of petitioner being entitled for the balance 50% of the wages for the lay-off period does not arise. That exactly the issue that was considered by the learned Labour Court by the impugned order and the objection raised by the respondent was accepted.

5.As there is no dispute about the petitioner's lay-off during the period from 01.07.2003 to 01.07.2005 and also the fact that the petitioner was paid 50% of the wages for the said period and considering the fact that the said lay-off was upheld by this Court, the question of petitioner being entitled for the balance 50% of the wages for the said period does not arise. That is what is exactly held by the learned Labour Court through the impugned order.

6.In the light of the above, this Court does not find any error or illegality in the impugned order passed by the learned Labour Court warranting interference of this Court while exercising certiorari jurisdiction under Article 226 of the Constitution of India.



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7. Accordingly, this writ petition stands dismissed. There shall be
no order as to costs.

NCC : Yes/No
Index : Yes/No
Internet : Yes
LR

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