



W.P.(MD)No.27486 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.04.2025

CORAM

THE HON'BLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.(MD)No.18165, 18166, 18168, 18169, 18171 and 18173 of 2019

W.P(MD)No.18165 of 2019:-

Jeyabalan

... Petitioner

vs.

1.Gunaseelan

2.The Management,
Tuticorin Thermal Power Station,
Thoothukudi – 628 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the award passed by the Labour Court, Tirunelveli in I.D.No.219 of 1997, dated 13.07.2012 and to quash the same insofar as the petitioner is concerned and consequently, to direct the second respondent herein to reinstate the petitioner within continuity of service and back wages.

For Petitioner	:Mr.S.M.Mohan Gandhi
For R1	:No Appearance
For R2	:Mr.Ananthagopalan for Mr.T.S.Gopalan



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COMMON ORDER

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All these batch of Writ Petitions have been filed aggrieved by the award passed by the learned Labour Court, Tirunelveli, in I.D.No.219 of 2017, dated 13.07.2012.

2.The said application was taken on file by the learned Labour Court, Tirunelveli, in view of the reference made to it by the Government at the instance of the Tuticorin Thermal Power Station, represented by its General Secretary. During the pendency of the said application, the Trade Union has not pressed the said application and in the said circumstances, the workmen/petitioners herein have got themselves impleaded as petitioners in the said application and prosecuted the same.

3.The scope of reference made to the learned Labour Court in the said application in I.D.No.219 of 1997, is with regard to the payment of bonus @ 15% for the year 1992-93 to the contract labourers either by the first respondent or by the second respondent.



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4. During the pendency of the said application, the petitioners herein sought amendment of the prayer to include the relief with regard to the reinstatement into service with continuous service. However, the learned Labour Court, by the impugned award, confined the adjudication of the matter only to the extent of reference, that was made to it, ie., payment of bonus @ 15% for the year 1992-93 and not with reference to the independent claim of the petitioners for their continuance in service. It is aggrieved by the said award, the workmen have approached this Court by way of this Writ Petition.

5. Heard Mr.S.M.Mohan Gandhi, learned Counsel for the petitioner and Mr.Ananthagopalan, learned Counsel for the second respondent.

6. It is the contention of the learned Counsel for the petitioner that the Trade Union concerned has raised a dispute in respect of payment of bonus as well as for reinstatement and continuous service of the petitioners herein. But, the Government has made a reference only to the extent of payment of bonus and therefore, the petitioners herein sought for amendment of the relief in the said application and accordingly, the



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relief was permitted to be amended, but the learned Labour Court refused to exercise its jurisdiction under the provisions of the Industrial Disputes Act, 1947. He also further contended that the learned Labour Court having further allowed the amendment of relief in the main application, ought to have considered the relief insofar as reinstatement of the petitioners into service also. He also further contended that the similarly placed persons are all reinstated by the second respondent, but the petitioners herein are deprived of the said equality treatment.

7.On the other hand, the learned Counsel for the second respondent contended that the jurisdiction of the learned Labour Court is governed by the scope and ambit of the reference, that was made to it, but under no circumstances, the learned Labour Court can go beyond the scope of the reference. It is further contended by the learned Counsel for the second respondent that the learned Labour Court has rightly restricted the adjudication only to the extent of reference, that was made to it.

8.This Court has carefully considered the submissions made on either side and also perused the materials available on record.



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9.It is not in dispute that the scope of reference that was made to the learned Labour Court in I.D.No.219 of 2019 is only with regard to the payment of bonus @15% for the year 1992-93. Once, it is admitted that the scope of reference is only with regard to the payment of bonus and the industrial dispute was instituted for the consideration of the said claim, the scope and jurisdiction of the learned Labour Court is only confined to the extent of reference. The Labour Court cannot be go beyond the scope of reference and in fact, the Labour Court cannot adjudicate any issues, which are not the subject matter of the reference. Hence, the award of the learned Labour Court is not non est in the eye of law.

10.The learned Labour Court has rightly confined the adjudication only to the extent of reference, that was made to it at the instance of the Union. When the Union has not pressed to prosecute the matter, the learned Labour Court has rightly allowed the petitioners to come on record to prosecute the same. The learned Labour Court, having adjudicated the matter, decided the same against the petitioners herein. The petitioners herein, while the impugned award having been passed on



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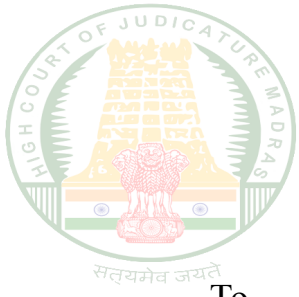
13.07.2012, also did not take any steps to challenge the same till 2019. It is only after the lapse of seven years, the petitioners have approached this Court by way of these Writ Petitions challenging the said award. On this ground also, the Writ Petition is liable to be dismissed.

11.As already noted above, the scope of the industrial dispute is only with regard to the payment of bonus and the relief of reinstatement into service or continuance in service are not the subject matter of the dispute and the same was rightly rejected by the learned Labour Court. This Court does not find any error or illegality in the impugned award passed by the learned Labour Court. If the petitioners have any grievance with regard to their continuance in service in the second respondent, it is open to the petitioners to take appropriate steps in accordance with law.

12.In the result, these Writ Petitions are dismissed. No costs.

Index :Yes / No
NCC :Yes / No
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The Presiding Officer,
The Labour Court, Tirunelveli.



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MUMMINENI SUDHEER KUMAR, J.

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