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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 1397 of 2023

G.Murugan
No.15, Bharathiar Street, Salavanpet,
Vellore 632 001

..Appellant(s)

Vs

1. The Presiding Officer
Principal Labour Court, Vellore,
Vellore District
2. The Management
V.R.Annamalai Mudaliar and Co., No.102,
Mundy Street, Vellore

..Respondent(s)

WA No. 1397 of 2023

To set aside the order of Honble High Court dated 19.04.2023
passed in WP No.23828 of 2014 and allow the Writ Appal.

WA No. 1397 of 2023

For Appellant(s): Mr.S.T.Varadarajalu

For Respondent(s): R1- Labour Court
No appearance

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the writ order dated 19.04.2023 passed in
W.P.No.23828 of 2014.



2. The writ petitioner is the appellant before this Court. The appellant was working as a Clerk in the 2nd respondent Management. He served about 32 years. He was denied employment from 09.07.2012. Thus, an Industrial Dispute was raised under Section 2A(2) of the Industrial Disputes Act. The Labour Court passed an award directing the Management to pay compensation amount of Rs.31,200/-. Admittedly, the said amount was settled by the Management. The petitioner filed a Claim Petition in C.P.No.53 of 2013 claiming differential wages and bonus for the period of services rendered by him from 01.04.2006 to 08.07.2012. The said claim petition was partly allowed by the Labour Court, rejecting the claim petition to grant the differential wages for the entire period. The Labour Court rejected the claim mainly on the ground that the petition was filed beyond the period of one year as contemplated under Section 33C(2) of the Industrial Disputes Act.

3. Learned counsel for the appellant would mainly contend that the period of one year limit for filing the claim petition is contemplated under Section 33C(1) of the Industrial Disputes Act and the present Claim Petition was filed by the workman under sub-section (2) to Section 33C, wherein no limitation is contemplated. Therefore, the Labour Court as well as the Writ Court have not considered the scope of Section 33C(2) of the Industrial Disputes Act.

4. Consideration of the facts would show that the claim of differential wages is an accrued right of a workman. Admittedly, the period of service rendered by the workman from 01.04.2006 to 08.07.2012 has not been denied



by the Management. He received the wages for the said period. The Claim Petition has been filed seeking differential wages, since the government enhanced the minimum wages during the relevant point of time. Based on the Government Order, enhancing the minimum wages, the claim petition has been filed under Section 33C(2) of the Industrial Disputes Act. The petition has been filed in the year 2013. The workman served till 08.07.2012. That apart, the claim of differential wages, based on the enhancement of wages by the Government would arise only after implementation of the Government Order by the authorities. Therefore, the date of arising of cause of action is to be taken into consideration for reckoning the period of limitation. Pertinently, under Section 33C(2) of the Industrial Dispute Act, no limitation has been prescribed.

5. Pertinently, the Labour Court made a finding that “as per proviso to section 33-C(2) of I.D. Act, which imposes a limitation, the petitioner is entitled to get wages due only for a period of 12 months preceding to the date of filing of the said petition”. The said finding of the Labour Court has been confirmed by the writ Court. A plain reading of Section 33C(2) of the Industrial Disputes Act would show that no such period of one year is contemplated.

6. Admittedly, in the present case, the claim petition has been filed under section 33C(2) of the Industrial Disputes Act and not under Section 33C(1) of the Act, wherein the provision clause contemplates the period of limitation as one year for filing the claim petition.

7. In the present case, the relief has been denied to the workman,



based on the wrong application of the proviso under the I.D.Act. When the petition itself has been filed under section 33C(2) of the I.D.Act, rejecting the claim, based on the proviso clause 33C(1), would not arise at all. Thus, this Court is inclined to consider the present writ appeal. Accordingly, the impugned writ order dated 19.04.2023, is set aside and the Claim Petition filed by the workman in C.P.No 53 of 2013, stands allowed. The Management is directed to settle the dues relating to differential wages as claimed by the workman within a period of twelve weeks from the date of receipt of a copy of this order.

8. With these directions, the Writ Appeal stands allowed. No costs.

(S.M.S.,J.) (K.S.,J.)
16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

1. The Presiding Officer
Principal Labour Court,
Vellore, Vellore District
2. The Management
V.R.Annamalai Mudaliar and Co., No.102,
Mundy Street, Vellore



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

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