



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29856 of 2023

1. E.Krishnamoorthy
P.F.No.TN/366/481,
Supervisor and Store Assistant,
Mahavir Plantation Pvt. Ltd.,
Propect Estate,
Naduvattam Post 643224,
The Nilgiris.
Presently residing at
House No.2, Heggadadevana Pura,
Dasanapura Hobli, Bangalore,
Karnataka 562123.

Petitioner

Vs

1. M/s.Mahavir Plantation (P) Ltd
Rep. by its Managing Director,
24/1511, Indira Gandhi Road,
Kochi 682003.

2.M/s.Mahavir Plantations (P) Ltd
Rep. by its Manager,
Prospect Estate,
Naduvattam Post 643224,
The Nilgiris.

Respondents

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 03.02.2023 passed by the Honourable Labour Court



of the Nilgiris at Udhagamandalam in C.P.No. 225 of 2021 and quash the same and consequently direct the respondents to pay the arrears amount along with outstanding benefits with 18% compound interest.

For Petitioner: Mr.S.Shanmitha

For Respondents: Mr.C.Vigneswaran for R1 and R2

ORDER

The writ petition is filed challenging the award of the Labour Court, Nilgiris at Udhagamandalam, dated 03.02.2023, made in C.P.No.225 of 2021.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that, the petitioner served the respondent-management as a Tea Estate Supervisor and Store Assistant with effect from 27.09.1979. After putting in 23 years of service, the petitioner resigned from service with effect from 25.08.2001. The respondents are defaulters with regard to the question of payment of wages etc., Since there was huge default with reference to the particular plantation industry and there were suicidal deaths, the matter was taken up by way of a public interest litigation in W.P.(C)No.365 of 2006 before the Honourable Supreme Court of India and by an order dated 04.04.2018, the Honourable Supreme Court of India directed the State of Tamil Nadu to pay the dues of the employees on behalf of the Tea Plantation Companies mentioned therein as defaulters and thereafter, to



recover the same from the said companies.

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3. The Honourable Supreme Court of India also appointed the Hon'ble Mr. Justice Amitava Roy, a Retired Judge of Hon'ble Supreme Court of India as One Man Committee and the workers were directed to approach the One Man Committee for settlement of the dues. Since the One Man Committee was disbursing the dues, as per the respective awards the workmen were possessing, the petitioner, therefore, thought it fit to approach the Labour Court by way of filing a petition under Section 33 C(2) of the Industrial Disputes Act, 1947.

4. The claim of the workman is that overtime wages for the period from 01.11.1997 to 02.07.2001, amounting to a sum of Rs.12,775/- was not paid to him. The earned leave salary and wages for the mandatory one-day holiday during the period from 1997 to 2001 were never paid and that works out to Rs.14,555/-. For the month of August 2001 also the workman was not paid the salary of Rs.2,555/-. In all, the petition was filed to compute the benefits of Rs.29,885/- and order the management to pay the same along with further interest thereon.



5. The claim petition was resisted and taken up for enquiry. On behalf of the workman, he examined himself as WW-1 and Ex.W1 to Ex.W8 were marked. On behalf the management, no oral or documentary evidence was let in. The Labour Court considered the case of the workman and firstly, held against the workman on the ground that when the cause of action arose for the petitioner in the year 2001 and subsequently, in the year 2006, the petitioner did not file any claim at the relevant point of time. However, he has joined the service of the judiciary in the year 2001 and subsequently, retired from the same and thereafter, he has filed the computation petition belatedly in the year 2021 and as such, the Labour Court held that the claim was barred by undue delay and laches. Secondly, the Labour Court also considered the defence of the management that the petitioner did not hand over the key of the quarters for all these years and held that if the rent has to be calculated and adjusted, that will be more than the amount claimed and therefore, on that score also, negatived the claim of the workman. Aggrieved by the same, the present writ petition is filed.

6. The learned counsel appearing for the workman would submit that firstly, with reference to delay and laches, when the statute expressly excludes the applicability of any limitation and considering the fact that the matter is arising out of a beneficial legislation, the Labour Court erred in dismissing the



claim on the ground of delay and laches.

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7. As far as the claim relating to the non-surrender of quarters is concerned, the workman pleaded that at all times, he was taking steps to hand over the key and as a matter of fact, the management is one of the defaulting managements, which had fled the scene. Therefore, the management was included in the list of defaulting companies and there was nobody to hand over the key. Hence, that issue, which is a different subject matter, ought not to have been taken into consideration by the Labour Court.

8. Per contra, learned counsel appearing on behalf the management would submit that even at the time of filing of the computation petition, the petitioner was about 60 years old. He had completed his service long back in the year 2001 and did not even submit resignation, but upon getting employment in the judiciary, abandoned the service without any information and only in the year 2006, he belatedly submitted his resignation, which was accepted with effect from the year 2001. Therefore, when the workman had not chosen to make any claim for arrears at the relevant point of time, either in the year 2001 or in the year 2006, making the claim belatedly in the year 2021 cannot be countenanced merely because the workman had retired from the judicial service. His plea once again as against the erstwhile employer cannot be considered at this point of time. The workman has also not produced any proof with reference to the claim,



that is made in the claim petition. The documents produced by him do not in any manner support the claim under various heads of overtime etc., that is claimed by the workman. Therefore, the same cannot be entertained even on merits.

9. With reference to the quarters, it was submitted that he was all the times occupying and never attempted to hand over the key. Only before the Labour Court, he handed over the key and therefore, the Labour Court rightly considered the said issue also. Further, even as per the Workman, he claims himself to be the supervisor and was also drawing the salary of more than Rs.2,200/- at the relevant point of time and as such, had not even come within the definition of the “workman” as the ceiling in the year 2001 was Rs.1,600/-. Therefore, the learned counsel would submit that this is not a case for interference.

10. I have considered the rival submissions made on either side and perused the material records of the case. At the outset, it can be seen that the petitioner was born in the year 1961 and joined service at the age of 18 years in the year 1979 and after putting in almost 22 years of service, in the year 2001 when he was 50 years of age, left the service of the management, as he got an



employment in the judiciary. Thereafter, he continued to work in the judiciary and upon attaining the age of superannuation, he had retired from service in the year 2018. Thereafter, in the year 2021 he has filed the present computation petition, that too claiming a sum of Rs.29,885 /-.

11. Therefore, considering the overall circumstances of the case, entertaining the claim petition and deciding the various issues, that are raised on behalf of both sides, need not be undertaken on account of the peculiar facts and circumstances of this case. Further, even though, in respect of beneficial legislation, the Court is very liberal with reference to delay and laches, when the petitioner is claiming overtime allowances, earned leave wages and salary for the month of August 2001 etc. there are two impediments. On account of the long delay, the parties cannot now be expected to adduce evidence with reference to whether overtime was actually done or not and also with reference to the fact that whether the leave wages were granted or not. Similarly, it can also be seen that yet another factor on the face of the petition is that when he left service, he did not submit his resignation and according to the management, the same was submitted only in the year 2006.

12. With the above factual backgrounds, when the Labour Court has



refused the relief sought for by the petitioner, there is nothing for this Court to interfere with and reverse the finding of the Labour Court and grant relief to the petitioner at this belated point of time.

13. Accordingly, finding no merits, this Writ Petition is dismissed. No order as to costs.

20-01-2026

Neutral Citation: No
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To

1. Managing Director,
M/s. Mahavir Plantation (P) Ltd
24/1511, Indira Gandhi Road,
Kochi 682003.

2. Manager,
M/s. Mahavir Plantations (P) Ltd
Prospect Estate, Naduvattam Post
643224, The Nilgiris.



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D.BHARATHA CHAKRAVARTHY, J.

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