



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.11.2025

Pronounced on : 30.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

and

WMP(MD)Nos.13121, 13122, 13126, 13128, 16017, 16019, 16020
of 2020 and 1663 and 1664 of 2021

W.P.(MD)No.15645 of 2020

Express Publications (Madurai) Private Limited,
(A unit of Express Group of Publications),
Rep. By its General Manager,
No.12/2, 1st Floor, Gokhale Road,
Thallakulam, Madurai – 2.

... Petitioner

Vs

D.Sundaresan

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 26.02.2020 passed by the Labour Court, Madurai, in I.A.No.652 of 2019 in I.D.No.7 of 2019 and quash the same as illegal.



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

W.P.(MD)No.15648 of 2020

Express Publications (Madurai) Private Limited,
(A unit of Express Group of Publications),
Rep. By its General Manager,
No.12/2, 1st Floor, Gokhale Road,
Thallakulam, Madurai – 2.

... Petitioner

Vs

S.Ganapathy

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 26.02.2020 passed by the Labour Court, Madurai, in I.A.No.651 of 2019 in I.D.No.6 of 2019 and quash the same as illegal.

W.P.(MD)No.15652 of 2020

Express Publications (Madurai) Private Limited,
(A unit of Express Group of Publications),
Rep. By its General Manager,
No.12/2, 1st Floor, Gokhale Road,
Thallakulam, Madurai – 2.

... Petitioner

Vs

V.Muthu

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 26.02.2020 passed by the Labour Court, Madurai, in I.A.No.623 of 2019 in I.D.No.42 of 2016 and quash the same as illegal.

W.P.(MD)No.15655 of 2020

Express Publications (Madurai) Private Limited,
(A unit of Express Group of Publications),
Rep. By its General Manager,
No.12/2, 1st Floor, Gokhale Road,
Thallakulam, Madurai – 2.

... Petitioner

Vs

K.Muthukrishnan

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 26.02.2020 passed by the Labour Court, Madurai, in I.A.No.566 of 2019 in I.D.No.3 of 2016 and quash the same as illegal.

W.P.(MD)No.1937 of 2021

Express Publications (Madurai) Private Limited,
(A unit of Express Group of Publications),
Rep. By its General Manager,
No.12/2, 1st Floor, Gokhale Road,



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

Thallakulam, Madurai – 2.

... Petitioner

Vs

R.Ramadass

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 26.02.2020 passed by the Labour Court, Madurai, in I.A.No.654 of 2019 in I.D.No.13 of 2019 and quash the same as illegal.

W.P.(MD)No.1944 of 2021

Express Publications (Madurai) Private Limited,
(A unit of Express Group of Publications),
Rep. By its General Manager,
No.12/2, 1st Floor, Gokhale Road,
Thallakulam, Madurai – 2.

... Petitioner

Vs

A.Ramakrishnan

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 26.02.2020 passed by the Labour Court, Madurai, in I.A.No.653 of 2019 in I.D.No.12



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

of 2019 and quash the same as illegal.

For Petitioner
in all W.Ps. : Mr.M.E.Ilango
For Respondent
in all W.Ps. : Mr.T.Sivakumar

COMMON ORDER

The writ petitioners before this court is the Newspaper Management. The respondents are workers who were employed under the writ petitioner Management and have retired from service.

2. The respondents/employees have filed applications before the Labour Court, Madurai, under Section 17(2) of the Working Journalists and other Newspaper Employees (conditions of service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the Act 45 of 1955) that they are entitled for more benefits as per the recommendations of the Majithia Wage Board and Manisana Wage Board. The petitioner Management has raised a preliminary issue before the Labour Court in the applications filed by the



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

respondents/employees that their cadre and category under the Wage Board and date of promotion are disputed by the petitioner management and hence, the issue cannot be decided by the Labour Court while dealing with an application filed under Section 17(2) of the Act 45 of 1955. Further, the petitioner Management also claims that the recommendations of the Wage Board is not an award and therefore, there is no pre-existing right and since the category/ cadre of the workmen is disputed by the Management, it has to be decided by raising a separate industrial dispute.

3. The interlocutory applications filed by the Management raising preliminary objection were rejected by the Labour Court, Madurai, by the impugned orders dated 26.02.2020 that the Wage Board's recommendation has been notified by the Government and the contentions raised by the Management in the interlocutory applications can also be decided while deciding the applications filed under Section 17(2) of the Act 45 of 1955. Aggrieved by the orders of the Labour Court, Madurai, dated 26.02.2020, separate

6/30



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

writ petitions have been filed by the Management and all these writ petitions have been tagged together, since the issue involved in all these writ petitions is common and therefore, these writ petitions are disposed of by way of this common order.

4. The main contentions of the petitioner Newspaper Management are summarized as follows:

(i) The claims are being made by the respondents/workmen from the year 1998 onwards and the respondents/workmen have already been paid with benefits at the time of their superannuation. Therefore, the present claims have been made by the respondents/workmen with delay and such claims cannot be entertained by the Labour Court.

(ii) The claims made by the workmen that they belong to a higher cadre/ category cannot be decided under Section 17(2) of the Act. Section 17(2) of the Act is akin to an execution petition filed under Section 33(C)(2) of the Industrial Disputes Act. The scope of such an application is limited and the Labour Court cannot decide on



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

matters regarding the entitlement or right to a higher grade or post.

In order to establish the same, an industrial dispute ought to be raised under Section 10 of the Industrial Disputes Act. Only in such an industrial dispute, the nature of work performed and higher scale of pay can be decided.

(iii) The recommendations of the Wage Board constituted under the Act 45 of 1955 cannot be considered to be an award or a pre-existing right, as the Wage Board only recommends the grouping of newspaper employees in a particular grade and the scale of pay for that grade.

5. The learned counsel appearing for the petitioner Management has also relied on the following Judgments in support of his contention that the scope of execution petitions is limited in nature:

(i) ***Keshavlal M Rao vs. State of Gujarat and others***, reported in (1993) 1 GLR 1.

(ii) ***K.S.Natrajan vs. The Presiding Officer***



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

(W.P.No.23929 of 2006 dated 09.02.2010).

(iii) *Superintending Engineer, Tamil Nadu Electricity and Distribution Corporation Limited, Tiruvannamalai Electricity Distribution Circle vs. N.Venkatachalam and another*, reported in 2020 III LLJ 523 (Mad).

6. The contentions of the respondents/employees are summarized as follows:

(i) Section 12 of the Act 45 of 1955 empowers the Central Government to make an order in terms of the recommendations of the Wage Boards constituted under the Act and publish the same in the Official Gazette.

(ii) In exercise of the powers under the Act, the Central Government has notified the Majithia Wage Board recommendations with effect from 11.11.2011 and the respondents/workmen were in the service of the Newspaper Management during the relevant period. Therefore, they are entitled to be paid wages at the rate specified by the notification and have raised claims under Section



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY 17(2) of the Act.

(iii) As per Section 13 read with Section 13D of the Act, the respondents/workmen are entitled to be paid wages at the rate specified by the notification and hence, there is no requirement for a separate adjudication under the Industrial Disputes Act.

7. The learned counsel for the respondents/employees, by relying on the judgments of the Hon'ble Supreme Court in ***ABP Private Limited and another vs. Union of India*** reported in **2014 (3) SCC 327** and ***Avishek Raja vs. Sanjay Gupta*** reported in **2017 8 SCC 435**, submits that the Labour Court can decide the issues raised by the employees in the applications filed under Section 17(2) of the Act 45 of 1955.

8. This Court considered the rival submissions made and also perused the materials placed on record.



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY 9. Considering the conditions of employment of the working

journalists, the Press Commission has recommended the Government to bring in a legislation to improve the service conditions of the journalists and other employees working in the newspaper establishments. In line with the same, the Central Government has notified Act 45 of 1955 on 20.12.1955 with the object of improving the service conditions of the employees of the Newspaper Establishments. This Act enables the Central Government to constitute Wage Boards to determine the wages and other allowances payable to the working journalist and non-journalist newspaper employees. So far, six Wage Boards have been constituted under Act 45 of 1955. The claim of the respondents/employees are based on the recommendations of the Majithia Wage Board which was constituted under Act 45 of 1955.

10. In all these cases, the respondents/employees served as non-journalist newspaper employees such as Keyboard Operator and Senior Pack Man in the petitioner Management and they have retired

11/30



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

from service in between 2012 and 2016. They filed applications before the Labour Court, Madurai, claiming arrears of wages and benefits as recommended by Majithia Wage Board which was notified on 11.11.2011. The petitioner management has filed interlocutory applications raising a preliminary issue in the year 2019, when the Labour Court was about to dispose the applications filed by the workmen.

11. The main contention of the petitioner Management is that there is a dispute with regard to the entitlement of the employees depending on the nature of work, category and cadre of the employees and therefore, the same has to be decided by raising an industrial dispute under Section 10 of the Industrial Disputes Act 1947. Only after the same is determined, they are entitled to file applications under Section 17(2) of the Act 45 of 1955. According to the learned counsel for the petitioner Management, the provision under Section 17(2) of the Act 45 of 1955 is akin to an execution petition filed under Section 33-C(2) of the Industrial Disputes Act,

12/30



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

the recommendations of the Wage Board notified by the Central Government is not an award and therefore, there is no pre-existing right to the employees to maintain the applications under Section 17(2) of the Act 45 of 1955 to execute the award.

12. The Wage Board is constituted by the Central Government in terms of the statutory powers conferred under Section 9 and 13C of the Act 45 of 1955. A separate wage board has been constituted for the working journalists under Section 9 of Act 45 of 1955 and for the non-journalists newspaper employees under Section 13C of Act 45 of 1955. The wage board is determining the benefits payable by considering the financial capacity of newspaper establishments, the prevailing wage structures in comparable industries, the cost of living, regional disparities, and the need to ensure a fair and reasonable standard of living for the employees. The Wage Board consists of three persons representing employers/newspaper establishments and three persons representing working journalists and four independent persons, one of whom shall be a Judge of a



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

High Court and Supreme Court, who shall be appointed by the Government as the Chairman of the Committee. The 6th Wage Board was headed by Justice G.R.Majithia, a retired High Court Judge. The Wage Board, after elaborate discussions and consultations with stakeholders made its recommendations to the Government under Section 10 of the Act and the same was notified by the Government of India on 11.11.2011. As per the notification, the grouping of Working Journalists in Newspaper Establishments is provided under Schedule I-A, the grouping of Non-Journalist Newspaper Employees- Administrative Staff is provided under Schedule II and the grouping of Non-Journalist Newspaper Employees- Factory Staff is provided under Schedule III.

13. The Newspaper Establishments/Managements have challenged the constitutional validity of the recommendations made by Majithia Wage Board before the Hon'ble Supreme Court. A three-Judge Bench of the Hon'ble Supreme Court in ***ABP Private Ltd. and another vs. Union of India*** reported in ***2014 (3) SCC 327***, dismissed

14/30



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

all the writ petitions filed by the Management, by its judgement dated 07.02.2014 and has held that the recommendations of the wage board are valid in law, based on genuine and acceptable consideration and issued directions for payment of arrears to eligible persons from 11.11.2011 onwards. The relevant portion of the judgment is extracted as under:

“73. Accordingly, we hold that the recommendations of the Wage Boards are valid in law, based on genuine and acceptable considerations and there is no valid ground for interference under Article 32 of the Constitution of India. Consequently, all the writ petitions are dismissed with no order as to costs.

74. In view of the our conclusion and dismissal of all the writ petitions, the wages as revised/determined shall be payable from 11.11.2011 when the Government of India notified the recommendations of the Majithia Wage Boards. All the arrears up to March 2014 shall be paid to all eligible persons in four equal instalments within a period of one year from today and continue to pay the revised wages from April 2014 onwards.”



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

14. The Hon'ble Supreme Court has also clarified the enforceability of the recommendations of the wage board in ***Bennett Coleman & Co. Ltd. vs. State of Bihar*** reported in (2015) 11 SCC 204 and the relevant portion is extracted as under:

“16.....The recommendations of the Wage Board are, thus neither an award nor a settlement in terms of the provisions under the ID Act. It is not passed by the Labour Court or the Industrial Tribunal or the National Industrial Tribunal and it is not an arbitration award in terms of Section 10-A of the ID Act. It is not a settlement in terms of Section 2(p) of the ID Act. It is not an agreement between the parties. Its enforceability, being a recommendation, depends on the order passed by the Central Government. The Central Government has passed that order by issuing Annexure P-1 notification. If the same is not complied with, as we have already referred the above, the remedies lie under Section 17 for recovery or under Section 18 for penalty and not under the provisions of the ID Act.

.....

19. A bare reading of the provision would show



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

that the same provides for exercise of the powers of the Tribunal by the Wage Board in the process of making its recommendations in regulating its procedure. The provision does not make Wage Board a tribunal. The Tribunal under the ID Act does not make recommendations, it passes award; whereas the Wage Board under the working Journalists Act is competent only to make a recommendation in terms of Section 10 and after the notification of the recommendations by the Central Government if there is any dispute regarding any amount due under the notification, a dispute is raised under Section 17(2) of the Working Journalists Act and thereafter, an award is passed by the Labour Court.”

15. Therefore, it is clear that the recommendations of the Wage Board as notified by the Central Government and as affirmed by the Hon'ble Supreme Court are legally recognised entitlements and the employees have a right to be paid wages as per these recommendations.



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

16. Even after the judgment of the Hon'ble Supreme Court in ***ABP Private Ltd (cited supra)***, the recommendations of the Wage Board were not implemented by the Newspaper Establishments and therefore, one Avishek Raja and others have approached the Hon'ble Supreme Court by way of a contempt petition in Contempt Petition (Civil) No.411 of 2014 and the Hon'ble Supreme Court, by its interim order dated 28.04.2015 has directed all the States to appoint Labour Inspectors under Section 17 of the Act so as to determine whether the dues and entitlements to all categories of newspaper employees have been implemented and the relevant portion is extracted as under:

“All the State Governments acting through their respective Chief Secretaries shall, within four weeks from today, appoint Inspectors under Section 17(b) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 to determine as to whether the dues and entitlements of all categories of Newspaper Employees including Journalists under the Majithia Wage Board award has been implemented in



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

accordance with the terms thereof. The inspectors appointed by the State Government will naturally exercise their powers as provided under the Act and shall submit their report to this Court through the Labour Commissioners of each State indicating the precise findings on the issue indicated above. This will be done within a period of three months from the date of appointment under Section 17(b) of the Act.”

17. Thereafter, the Hon'ble Supreme Court has finally disposed of the contempt petition on 19.06.2017 in ***Avishek Raja vs. Sanjay Gupta*** reported in ***(2017) 8 SCC 435*** by directing that all the complaints with regards to non-implementation of the Wage Board recommendations should be dealt with as per the mechanism under Section 17 of the act and the relevant portion is extracted as under:

“29. Having clarified all doubts and ambiguities in the matter and upon holding that none of the newspaper establishments should, in the facts of the cases before us, be held guilty of commission of contempt, we direct that henceforth all complaints with regard to non-implementation of the Majithia



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

Wage Board Award or otherwise be dealt with in terms of the mechanism provided under Section 17 of the Act. It would be more appropriate to resolve such complaints and grievances by resort to the enforcement and remedial machinery provided under the Act rather than by any future approaches to the courts in exercise of the contempt jurisdiction of the Courts or otherwise.”

18. The Act 45 of 1955 was enacted by the Government of India in order to improve the service conditions of the working journalists and non-journalist newspaper employees and to regulate their service conditions along with their benefits, gratuity, provident fund, minimum hours of work and minimum wages payable to them.

Section 2(eee) of Act 45 of 1955 defines the “wages” as under:

“2(eee)-“wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a newspaper employee in respect of his employment or of work done in such employment, and includes -



WEB COPY



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

(i) *such allowances (including dearness allowance) as the newspaper employee is for the time being entitled to;*

(ii) *the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food-grains or other articles;*

(iii) *any travelling concession,*
but does not include-

(a) *any bonus;*

(b) *any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the newspaper employee under any law for the time being in force;*

(c) *any gratuity payable on the termination of his service.*

Explanation. - In this clause, the term “wages” shall also include new allowances, if any, of any description fixed from time to time.]”

19. The Wage Board has been constituted as per Sections 9 and 13-C of the Act 45 of 1955, headed by a retired High Judge



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

along with the representatives of the Management. All the issues raised by the petitioner Management were also considered by the Wage Board by calling for representations from relevant stakeholders as required under Section 10 of the Act. The recommendations of the Wage Board was accepted and notified by the Central Government on 11.11.2011, however, it was not implemented by the Newspaper Managements till 2017 by filing various applications before the Hon'ble Supreme Court. The Hon'ble Supreme Court has settled the issue on 07.02.2014 in ***ABP Private Ltd.'s case (cited supra)***, and held that the wages as revised/determined as per the Wage Board recommendation shall be payable from 11.11.2011. Further, the Hon'ble Supreme Court, by way of interim orders in Contempt Petition (Civil) No.411 of 2014 and by final order dated 19.06.2017, has directed that the claim with regard to non-implementation of Wage Board recommendation has to be dealt with under Section 17(2) of the Act. Therefore, the respondents/employees have approached the State Government seeking the benefits to which they are legally entitled as per the



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

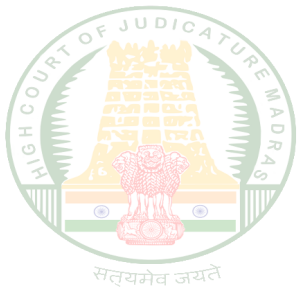
WEB COPY

Wage Board's recommendations and their applications were referred by the Government of Tamil Nadu under Section 17(2) of Act 45 of 1955 to the Labour Court, Madurai only as per the judgments of the Hon'ble Supreme Court and the same cannot be found fault with.

20. The Management has also taken a ground that the respondents/employees retired from service in between 2012 to 2016 and that they have claimed the benefits belatedly and therefore, their claims should be rejected on the ground of delay and laches. This ground has also been rejected by the Labour Court that there is no delay and laches and it is in fact the petitioner Management that has filed these applications belatedly after three years of the dispute, particularly, when the main case was about to be disposed and therefore, the Labour Court has imposed a cost of Rs.2500/- on the Management while dismissing the interlocutory applications.

21. The learned counsel for the petitioner Management by referring to some of the Judgments passed by the Madras High Court

23/30



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

and other High Courts has also argued that the provision under Section 17(2) of the Act is akin to Section 33-C of the Industrial Disputes Act and is in the nature of an execution proceedings and therefore, the claim of the employees cannot be decided by the Labour Court. In view of the said contention, it would be relevant to extract Section 17(2) of the Act 45 of 1955 and Section 33-C (2) of the Industrial Disputes Act 1947 for easy reference, as under:

“Section 17 of The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955- Recovery of money due from an employer:

(1)

(2) If any question arises as to the amount due under this Act to a newspaper employee from his employer; the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 (14 of 1947) or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

relation to the Labour Court as if the question so referred were a matter referred to the Labour Court for adjudication under that Act or law.

33-C of Industrial Disputes Act- Recovery of money due from an employer:

(1)

(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour court as may be specified in this behalf by the appropriate Government[within a period not exceeding three months:]

[Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.]”



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY 22. The Hon'ble Supreme Court in *All India Reporter*

Karmachari Sangh vs. All India Reporter Ltd., reported in *AIR 1988 SC 1325*, has held that the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act is a beneficial legislation which is enacted for the purpose of improving the conditions of service of the employees of the newspaper establishments and hence, even if it is possible to have two opinions on the construction of the provisions of the act, the one which advances the object of the Act and is in favour of the employees for whose benefit the Act is passed, has to be accepted. Therefore, even assuming for the sake of argument that the proceedings under Section 17(2) of the Act is akin to execution proceedings, it would be relevant to refer to the decision of the Hon'ble Supreme Court in *Central Bank of India Ltd. vs. P.S.Rajagopalan* reported in *AIR 1964 SC 743*, wherein it was held that the Labour Court can decide the incidental issues while deciding an execution application under Section 33-C(2) of the Industrial Disputes Act. The relevant portion is extracted as under:



WEB COPY



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

“In our opinion, on a fair and reasonable construction of sub-section (2) it is clear that if a workman's right to receive the benefit is disputed, that may have to be determined by the Labour Court. Before proceeding to compute the benefit in terms of money the Labour Court inevitably has to deal with the question as to whether the workman has a right to receive that benefit. If the said right is not disputed, nothing more needs to be done and the Labour Court can proceed to compute the value of the benefit in terms of money; but if the said right is disputed, the Labour Court must deal with that question and decide whether the workman has the right to receive the benefit as alleged by him and it is only if the Labour Court answers this point in favour of the workman that the next question of making necessary computation can ariseThe claim under Section. 33C clearly postulates that the determination of the question about computing the benefit in terms of money may, in some cases, have to be preceded by an enquiry into the existence of the right and such an enquiry must be held to be incidental to the main determination which has been assigned to the Labour.



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

Court by sub-section (2).”

23. Applying the ratio laid down in the above judgment, the determination of cadre, grade of employees and the nature of work can also be determined by the Labour Court, while dealing with an application under Section 17(2) of the Act 45 of 1955. Moreover, it is pertinent to note that the Hon'ble Supreme Court in *Avishek Raja's case (cited supra)* has held in categorical terms that all the complaints and grievances with regards to the non-implementation of the Majithia Wage Board Recommendation should be dealt with in terms of the mechanism provided under Section 17 of the Act and not otherwise. Therefore, the Labour Court has the jurisdiction to deal with the claims of the respondents/ employees and the issues raised by the petitioner management under Section 17(2) of Act 45 of 1955.

24. In light of the above discussion, this court is of the opinion that there is no infirmity with the impugned orders of the Labour

28/30



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

WEB COPY

Court, Madurai and all these writ petitions are liable to be dismissed.

This Court is also of the view that the interlocutory applications were filed by the petitioner Management at the fag-end of the proceedings in order to deny the benefits to the respondents/workmen and to delay the claim process and the Management has succeeded in delaying the process for the past ten years. Therefore, this Court, while dismissing the writ petitions, is inclined to impose a cost of Rs.25,000/- on each writ petition.

25. Accordingly, all the writ petitions are dismissed with a cost of Rs.25,000/- each, payable to the credit of Tamil Nadu Labour Welfare Fund. Consequently, connected miscellaneous petitions are closed.

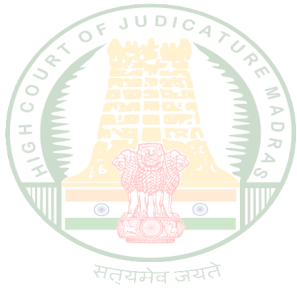
30.04.2026

ogy

Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.



WEB COPY



W.P.(MD)Nos.15645, 15648, 15652 and 15655 of 2020
and 1937 and 1944 of 2021

B.PUGALENDHI, J.

ogy

Pre-delivery common order in
**W.P.(MD)Nos.15645, 15648, 15652 and
15655 of 2020 and 1937 and 1944 of 2021**

30.04.2026