

BEFORE THE PRINCIPAL LABOUR COURT, COIMBATORE.

Present :- Tmt. A.P. LATHA, B.Sc., B.L.,

Presiding Officer, Principal Labour Court, Coimbatore.

Wednesday, the 18<sup>th</sup> day of March, 2026

COMPUTATION PETITION No.3/2025

CNR No.TNCB04-000350-2024

S. Yobudurai,  
S/o. Late. Singaram,  
10/433-3, Srikundra Upper Division,  
Srikundra Post,  
Valparai,  
Coimbatore – 642 127.

... Petitioner

..Vs..

The Management,  
Srikundra Estate  
Rep. By its Manager,  
Srikundra Post,  
Valparai,  
Coimbatore – 642 127.

... Respondent

This Petition coming on for final hearing before me on 27.02.2026 in the presence of Thiru. D. Sathish Shankar, Advocate for the Petitioner, and Thiru. R.Narayanan, Advocate for the Respondent, upon hearing the arguments of both sides, perusing the entire materials on record and having stood over for consideration till this date, this Court passed the following :-

**ORDER**

The petitioner claims back wages and bonus totaling to a tune of Rs.2,27,201/- u/s 33(C)(2) of the Industrial Disputes Act, 1947.

## 2. Petition averments in brief :

The petitioner joined the respondent estate, a reputed and leading manufacturer and exporter of tea in India, in the year 1993 for tea leaves plucking work, and after rendering continuous and satisfactory service, he was conferred permanent status in 1996. Ever since then, he had been performing his duties efficiently to the fullest satisfaction of his superiors and officers, and his last drawn daily wage for the month of March 2020 stood at Rs.327.60/-, paid monthly. However, on 12.03.2020, while engaged in his regular work within the estate premises, he suddenly suffered a heart attack, for which he was immediately admitted to a private hospital at Coimbatore, where he underwent angioplasty treatment. The doctors who treated him categorically advised that due to his cardiac condition, he must not be assigned strenuous physical work and should be given only light duty in the estate. The petitioner duly submitted his medical reports and certificates to the respondent, but despite this clear medical recommendation, the respondent failed and neglected to provide him any light-duty assignment from 12.03.2020 onwards, thereby forcing him into involuntary non-employment. Left with no other remedy, the petitioner raised an industrial dispute through his trade union, namely Anamalai Workers Union, Valparai, which was taken on file as I.D.No.110/2022 by the Additional Labour Court, Coimbatore. After considering all materials placed before it, the Labour Court passed an award dated 05.01.2024 directing the respondent to provide the petitioner light duty appropriate to his medical condition and to pay 25% of back wages for the period of non-employment commencing from 12.03.2020. The

said award was subsequently published on 08.04.2024 on the notice board of the Assistant Commissioner of Labour (Conciliation) No.3, Coimbatore, and as neither the petitioner nor the respondent filed any writ petition challenging the award, the same attained finality in law. Despite this, the respondent failed to implement the award immediately, even after the petitioner and his union sent repeated letters requesting compliance; only after prolonged delay the respondent, by a letter dated 16.07.2024, eventually assigned the petitioner light-duty work of tea preparation and distribution to workers at Sirikundra Tea Factory from 16.08.2024. Thus, the petitioner was forced to remain without employment from 12.03.2020 to 15.08.2024. The petitioner is entitled to 25% back wages for the period from 12.03.2020 to 05.01.2024, full wages for the period from 06.01.2024 to 15.08.2024, and the applicable bonus for the said periods as detailed in the table hereunder.

(A). The details of 25% back wages for the period 12.03.2020 to 05.01.2024 are as follows

- |     |  |                   |
|-----|--|-------------------|
| (1) | 12.03.2020 to 31.12.2020 for 254 days @ Rs. 85,140.80/-<br>335.20 per day                              |                   |
| (2) | For the period 01.01.2021 to 31.12.2021 for Rs. 1,08,820.71/-<br>313 days per day @ Rs. 347.67 per day |                   |
| (3) | For the period 01.01.2022 to 31.12.2022 for Rs. 1,30,073.41/-<br>313 days @ Rs. 415.57 per day         |                   |
| (4) | For the period 01.01.2023 to 31.12.2023 for Rs. 1,37,291.19/-<br>313 days @ 438.63 per day             |                   |
| (5) | For the period 01.01.2024 to 05.01.2024 for 5 days<br>Rs. 2,227.00/-                                   |                   |
|     | 25% of wages at full wages of Rs. 4,63,553.11/-  | Rs. 1,15,888.00/- |
| (6) | 100% back wages for the period 06.01.2024 to 15.08.2024  | Rs. 98,878.80/-   |
| (B) | (1) Bonus @ 8.33% of the above   |                   |

For 25% back wages	Rs. 9,653.00/-
(2) For 100% back wages for the period from 06.01.2024 to 31.03.2024 at 33,405/- for 75 days	Rs. 2,783.00/-

Total of item no. A+B = Rs. 2,27,201.00/-

Therefore, under these circumstances, the petitioner prays to compute the monetary benefits due to him at Rs.2,27,201/- and direct the respondent to pay the said amount along with interest at 12% per annum from 15.08.2024 until the date of final payment along with costs.

### 3. Counter averments in brief :

The Respondent denies all allegations save that are those admitted. The award dated 05.01.2024 in I.D.No.110/2022 is erroneous, as the Persons with Disabilities Act, 1995 does not apply to private establishments. The Petitioner's union claimed that the worker, Mr. Yobudurai, suffered a heart attack on 12.03.2020 and sought light work, back wages, and benefits. However, the Respondent states that he is only a daily-rated general worker engaged in tea-leaf plucking. After he complained of chest pain on 12.03.2020, he was given first aid, referred to Government Hospital, Pollachi and later admitted on his own choice to Arun Hospital, Pollachi where angioplasty was performed. He was granted sick leave until 31.05.2020 and was certified fit for normal work from 01.06.2020, but he worked only sporadically in June, August, and September 2020 and thereafter absented himself without permission. A show-cause notice was issued on 28.12.2020, and in

his reply he admitted inability to perform routine work due to health reasons. The Respondent refrained from disciplinary action and, on medical advice, asked him to seek provisional discharge on medical grounds under the Standing Orders and report after recovery, but he refused and also failed to appear before the District Medical Board for fitness assessment. In these circumstances, the worker had no legal right to demand light work, and the Labour Court erred in directing the Respondent to provide tea-making work and grant 25% back wages with continuity of service. On humanitarian grounds, the Respondent nevertheless offered him tea-making work at Sirukundra Tea Factory in January 2024 and also furnished the calculation sheet for back wages as per the award, but the Petitioner insisted on the job of preparing and distributing tea at Sirukundra Estate, which is a contract-based assignment not meant for permanent workers and repeatedly refused to report for duty despite several opportunities and written communications dated 16.07.2024 and 06.08.2024. Ultimately, he joined only on 16.08.2024. The Respondent submits that the Petitioner is entitled only to Rs.1,25,188/- (being 25% back wages and bonus) as detailed hereunder.

Sl. No.	Period / Working days	Amount
1	12.03.2020 to 31.03.2020 = 17 working days @ Rs.327.40/-	Rs. 5,565.80/-
2	01.04.2020 to 31.09.2020 = 6 months @ Rs.331.43/-	Rs. 51,703.00/-
3	01.10.2020 to 31.12.2020 = 3 months @ Rs.335.10/-	Rs. 26,137.80/-
4	01.01.2021 to 31.03.2021 = 3 months @ 343.17/-	Rs. 26,767.00/-
5	01.04.2021 to 30.06.2021 = 3 months @ 346.47/-	Rs. 27,024.66/-
6	01.07.2021 to 31.09.2021 = 3 months @ 395.00/-	Rs. 30,810.00/-
7	01.10.2021 to 31.12.2021 = 3 months @ 396.83/-	Rs. 30,954.74/-

8	01.01.2022 to 31.03.2022= 3 months @ 401.60/-	Rs. 31,324.80/-
9	01.04.2022 to 30.06.2022= 3 months @ 409.83/-	Rs. 31,966.74/-
10	01.07.2022 to 31.09.2022= 3 months @ 406.80/-	Rs. 31,730.00
11	01.10.2022 to 31.12.2022= 3 months @ 415.47/-	Rs. 32,406.66/-
12	01.01.2023 to 31.03.2023= 3 months @ 418.50/-	Rs. 32,643.00/-
13	01.04.2023 to 30.06.2023= 3 months @ 425.00/-	Rs. 33,150.00/-
14	01.07.2023 to 31.09.2023= 3 months @ 429.33/-	Rs. 33,487.74/-
15	01.10.2023 to 31.12.2023= 3 months @ 438.43/-	Rs. 34,197.54/-
16	01.01.2024 to 05.01.2024= 3 months @ 454.03/-	Rs. 2,270.00/-
	<b>TOTAL</b>	Rs. 4,62,139.48/-
	25% of Rs. 4,62,139.48/- =	Rs. 1,15,535.00/-
	Bonus @ 8.33% on Rs. 1,15,535/- =	Rs. 9,653.00/-
	<b>GRAND TOTAL</b>	Rs. 1,25,188.00/-

The petitioner is not entitled to full wages from 06.01.2024 to 15.08.2024, since the delay in joining duty was solely due to the Petitioner's refusal and non-cooperation. The Petitioner has suppressed material facts, has not approached the Court with clean hands, and has no cause of action to maintain the present computation petition, which is devoid of merits. Hence the respondent prays that the petition be dismissed.

4. During enquiry the petitioner is examined as PW-1, Ex. P1 to Ex.P8 documents are marked. Ex. R1 was marked during the cross examination of PW1 on the side of the respondent Thiru.Vargees, the General Secratry of the workers Union is examined as RW-1 and no document is marled.

5. Points for Determination :

*Whether the petitioner is entitled for the amount is claim?*

6. The point :

The learned counsel for the petitioner submitted that the petitioner joined the respondent estate in the year 1993 as a Tea Leaf Plucking Worker and was conferred permanent status during the year 1996, on 12.03.2020 the petitioner suffered heart attack and doctor who treated the petitioner requested the respondent to provide light duty, but the respondent refused to do so and the petitioner was forced to leave the respondent from 12.03.2020, against the act of the respondent the petitioner filed ID No.110/2022 before the Addition Labour Court, Coimbatore and the court directed the respondent to reinstate the petitioner in service with 25% back wages and also directed to provide light work. Further submitted the award was published on 08.04.2024, even after repeated requested the respondent failed to provide light duty as per the award and finally the petitioner was permitted by the respondent to join duty as a Tea Master in Srikundra Tea Factory from 16.08.2024 and therefore the petitioner is entitled for back wages and bonus for period from 12.03.2020 to 15.08.2024 to a tune of Rs.2,27,201/-.

7. The learned counsel for the respondent submitted that the award in ID No.110/2022 was published on 08.04.2024 and immediately after passing of the award the respondent asked the petitioner to join duty as a Tea Master in Srikundra Tea factory, but the petitioner insisted only to work in Srikundra Tea Estate, thereby failed to join duty and thereafter the respondent addressed a letter to the petitioner to join duty as a Tea Master at Srikundra Tea Factory and the petitioner joined the

factory on 15.08.2024, therefore the petitioner is entitled for back wages only for the period from 12.03.2020 to 05.01.2024 and urged to dismiss the claim.

8. The contention of the petitioner/workman the he requested the respondent to provide light work due to Medical Grounds, but the respondent refused to provide employment from 12.03.2020 which resulted in filing ID.No.110/2022 and the award is passed on 05.01.2024 with a direction to the respondent to provide lighter duty with 25% back wages and continuity of service from 12.03.2020. The petitioner claim that he requested to provide employment after the award, but the respondent refused to provide employment, but after several request through letters the respondent provided employment on 16.08.2024 at Srikundra Tea Factory as a Tea Master. Therefore the petitioner is entitled to claim 25% backwages from 12.03.2020 to 05.01.2024 and since the respondent refused to provide employment after 05.01.2024 the petitioner is entitled to 100% of back wages from 06.01.2024 to 15.08.2024 and respective bonus.

9. The contention of the respondent is that on 05.07.2024 the respondent received Ex.P4 letter from petitioner and asked the petitioner to join duty on 22.07.2024, but the petitioner failed to do so and joined only on 16.08.2024 after the receipt of Ex.R1 letter of the respondent dated 06.08.2024 and hence the petitioner is not entitled for any salary for the period from 06.01.2024 to 15.08.2024.

10. The Prime question to be decided is that whether the respondent refused to provide employment after 05.01.2024 or not?.

11. The plea of the petitioner is that after 05.01.2024 he repeatedly requested the respondent to provide employment but the respondent refused to provide the same which is denied by the respondent. On 22.01.2026 the respondent filed a memo stating that truth will come to light by examining Mr.S.Vargees, General Secretary of the Union is examined as RW-1. Contrary to the plea of the respondent RW-1 deposed that after the award the petitioner and RW-1 himself request the respondent to provide employment but respondent delayed the same and therefore the petitioner is entitled for the amount as claimed. Hence it is decided that the respondent is the cause for the delay in providing employment as per the award dated 05.01.2024.

12. The petitioner claim back wages at the rate of 25% to a tune of Rs.1,15,888/- for the period from 12.03.2020 to 05.01.2024 which more are less admitted by the respondent in the counter. Further the petitioner claim 100% of back wages for the period from 06.01.2024 to 15.08.2024 and since the delay in provide in employment is on the part of the respondent, the petitioner is entitled for the same. With respect to the claim of back wages and bonus claimed by the petitioner, no contra evidence is adduced by the respondent. In the cross examination of PW-1 also the respondent never raised any question in respect of the calculation arrived by the petitioner. Hence it is decided that the petitioner is entitled for the amount as claimed and the point is answered accordingly.

In the result, the computation petition is allowed and the respondent is directed to pay a sum of Rs.2,27,201/- with in one month from today, otherwise it

will carry interest at the rate of 7.5% from 16.08.2024 onwards. No order as to cost.

*(Dictated to the Steno-Typist and computerised by her, corrected and pronounced by me on this, the 18<sup>th</sup> day of March,2026).*

PRESIDING OFFICER,  
PRINCIPAL LABOUR COURT,  
COIMBATORE.

LIST OF WITNESSES EXAMINED

For Petitioner's Side : WW-1 - Thiru.S. Yobudurai  
For Respondent's Side : RW-1 - Thiru.S. Vargees.

LIST OF EXHIBITS MARKED

Petitioner side :-

Exhibits	Documents	Date	Remarks
Ex.P 1	Copy of award in ID. No. 110/2022	05.01.2024	Xerox
Ex.P 2	Letter by the petitioner to the respondent requesting lighter job	24.02.2024	Xerox
Ex. P 3	Letter by the petitioner to the respondent requesting lighter job as per the award in ID. No. 110/2022	20.04.2024	Xerox
Ex. P 4	Letter by the petitioner to the respondent requesting lighter job as per the award in ID. No. 110/2022	05.07.2024	Xerox
Ex. P 5	Acknowledgment card	-	Original
Ex. P 6	Letter from the respondent to the petitioner regarding offering employment	16.07.2024	Xerox
Ex. P 7	Letter by the petitioner to the respondent requesting lighter job as per the award in ID. No. 110/2022	29.07.2024	Xerox
Ex. P 8	Acknowledgment card	-	Original

Respondent Side :

Exhibits	Documents	Date	Remarks
Ex.R 1	A letter was issued to the petitioner by the management directing him to report for duty with effect from 12.08.2024	06.08.2024	Xerox

PRESIDING OFFICER,  
PRINCIPAL LABOUR COURT,  
COIMBATORE.

Draft/Fair Order  
CP No. 3/2025  
Dt : 18.03.2025,  
PLC, CBE