

IN THE COURT OF THE LABOUR COURT AT SALEM

PRESENT : **Mrs. M. SHANTHI., B.Sc., B.L.,**
Presiding Officer,
Labour Court, Salem.

Wednesday, dated this 18th day of March 2026

C.P.No.3/2024

CNR No. TNSA020002102023

L. Kumaresn, S/o. Latchumanan,
1/255, Senganoor Kattuvalavu,
Boominaickenpatti Post,
Omalur – 636 304.

.... Petitioner

- Versus -

The Management,
Dhinakaran News Paper,
22 C.C. Road, Salem District – 636 001.

....Respondent

This computation petition came on 18.03.2026 for final hearing before this Court, in the presence of Mr. V. K. Nallamuthu, Authorized representative for the petitioner and initially Advocate Mr. L. Ashok kumar had appeared for respondent and then the respondent did not file counter statement and set exparte and upon perusal of material records and upon hearing petitioner side argument and having stood over till this day for consideration, this court had passed the following :-

ORDER

The petitioner has filed this computation petition under Section 33C(2) of Industrial Disputes Act 1947 praying to direct the respondent to pay a sum of Rs.4,29,313/- towards back wages, bonus and national festival holiday wages with interest and cost.

The case of the petitioner in brief:

1. The petitioner had been working in the respondent management, namely Dinakaran Newspaper, from 01.05.2007 for about 15 years in the Prepress (Mechanical Engineering) section and was drawing a monthly salary of Rs.25,000/- including P.F. and ESI through City Union Bank. The respondent management denied him employment from 16.08.2022. Despite the petitioner had sent representation seeking employment, no work was provided.

2. Hence, the petitioner had raised an industrial dispute before the Assistant Commissioner of Labour (Conciliation), Salem, in Na.Ka.No.396/2022, and the management neither appeared nor filed counter statement, resulting in failure of conciliation. Thereafter he had filed I.D. No.04/2023 before this Hon'ble Court. Though a representative of the management had appeared initially, the management failed to participate in further proceedings and was set ex parte. This Hon'ble Court passed an award on 04.07.2023 directing reinstatement with back wages, continuity of service and other attendant benefits. The respondent management has increased the wages of existing employees and that he is entitled to the same benefits.

For the period from 16.08.2022 to 30.11.2023, he is entitled to

1	Back wages	Rs.3,86,538.48
2	Bonus	Rs.32,198.00
3	National festival holiday wages	Rs.10,577.00
	Total	Rs.4,29,313.00

Hence the petition.

3. The respondent though had initially appeared had failed to file counter statement and set exparte.
4. The petitioner had examined himself as PW1 and marked Ex.P1 document.

Point for consideration :

5. Whether the petitioner is entitled to compute and claim petition mentioned amount with interest and cost from respondent under Section 33C(2) of Industrial Disputes Act ?

Findings:

6. Heard petitioner side and perused material records. According to the petitioner he had worked with respondent from 01.05.2007 continuously for 15 years in Prepress (Mechanical Engineering) section and the respondent had paid monthly salary of Rs.25000/- including Provident Fund and E.S.I. through City Union bank. Against the refusal of employment of petitioner by respondent from 16.08.2022, the respondent had raised dispute and this Court by Ex.P1 Award dated 04.07.2023 in

I.D.4/2023 had directed the respondent to reinstate the petitioner with full back wages with continuity of service and all other attendant benefits and the said award had been duly notified. Hence the petitioner is entitled for back wages and other benefits from the date of refusal of work on 16.08.2022 and also entitled to claim increased salary as received by the other workers of respondent. Accordingly the petitioner for the period from 16.08.2022 to 30.11.2023 is entitled for back wages, bonus and national festival holiday salary to the tune of Rs.4,29,313/- and prayed to allow the petition claim with interest and cost.

7. The records reveals that, the respondent did not appear in I.D.No.4/2023 due to which exparte award had been passed on 04.03.2023 and the award had been duly notified. The said award had not been setasided till date and hence the same is binding the parties. When this Court had already decided in Ex.P1 Award that the petitioner is entitled for reinstatement with continuity of service and all attendant benefits and in absence of rebuttal case and evidence, this Court is of the view that the calculation submitted by petitioner is correct and the petitioner is entitled for the petition claim amount with interest and cost and the point is decided accordingly.

In the result the computation petition is allowed and the respondent is directed to pay the petitioner a sum of Rs.4,29,313/- being the due amount within 2 months failing which to pay 6% interest per annum for the said amount from the date of filing this petition on 21.12.2023 until the date of realization and also directed to pay litigation cost of Rs.10,000/- to the petitioner.

Dictated to Steno typist and typed by her directly in the computer, corrected and pronounced by me in the open court, this the 18th day of March 2026.

Presiding Officer,
Labour Court, Salem.

Appendix of evidence

List of Witnesses :-

For Petitioner side

PW1 - Mr. Kumaresan (Petitioner)

List of Exhibits :-

For Petitioner side

Ex.P1 04.07.2023 Copy of the award passed by the Hon'ble Labour Court
in I.D. No. 4/2023

Presiding Officer,
Labour Court, Salem.

LABOUR COURT, SALEM.
Fair / Draft Order Copy
C.P.No.3/2024
DATED : 18.03.2026

In the Court of the Labour Court at Salem.

C.P.No.3/2024

Date: 18.03.2026

Order Pronounced.

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Presiding Officer,
Labour Court, Salem.

