

**BEFORE THE ADDITIONAL LABOUR COURT, VELLORE.
VELLORE DISTRICT.**

**PRESENT : Tmt.S.Uma Maheswari, M.L.,
Presiding Officer (FAC).**

Monday, the 23rd day of February, 2026

**I.A. No.1/2025
IN
C.P. No.41/2024**

1. S.Munusamy
2. A.Mari
3. A.Mani
4. K.Arumugam
5. S.Chellappan
6. A.K.Karunakaran
7. M.Kanniyappan
8. S.Vetrivel
9. T.Munusamy
10. C.Tirunavukkarasu
11. C.Ganesan
12. M.Kuppan
13. R.Sankaranarayanan
R.Venkatesan,
General Secretary,
C/o. National General Labour Co-ordination,
Regn.No.TN1150/CPT,
No.305/2, Nethaji Nagar,
Near District Court,
Chengalpattu,
Chengalpattu District – 603 303.

... Petitioners

Versus

The Management,
Cheyyar Co-operative Sugar Mill,
Anakkavur, Then Thandalam,
Cheyyar Taluk,
Tiruvannamalai District – 604 407.

... Respondent

This Petition came up for hearing on 23.01.2026 in the presence of Thiru.R.Venkatesan, the counsel for the Petitioners and Thiru.V.Ramakrishnan, the counsel for the respondent, upon hearing the arguments of both sides, upon perusing the entire material case records and having stood over for consideration till this date, this Court delivered the following:-

ORDER

Petitioners filed this petition under Order 11 of Industrial Disputes Act, 1947 praying to amend the petition by incorporating certain relevant facts in support of this computation petition and also to amend the claim amount.

1. Petition averments in-brief:-

The petitioners averred that they raised an Industrial Disputes Petition No.70/2004 against the respondent seeking occupational wages before this court and obtained an award in their favour on 08.09.2009. By this award this court has held that the employees are entitled for 100% occupational wages and also entitled to get the difference amount.

Aggrieved against the award of this court the respondent preferred a W.P.No.14998/2011 before the Hon'ble High Court and the same was dismissed on 29.04.2019 by confirming the award of this court.

The petitioners further state that the respondent preferred a W.A.No.914/2020 challenging the writ petition order before the Hon'ble

High Court. The Hon'ble Division Bench of Madras High Court in the above Writ Appeal has held that, all the 115 employees are entitled to get 40% of occupational wages from the respondent as per the agreement and apart from that if any other employees are interested in that matter it is open for them to agitate and get the relief that may be due to them in accordance with law. Hence as per the above Writ Order, the other employees apart from the 115 employees are also entitled to get 100% occupational wages. Thus, the 13 petitioners in the present Industrial Dispute have filed this claim petition, and inadvertently claimed only 40% of occupational wages. But they are entitled to get 100% occupational wages. In spite of their due diligence they have failed to claim 100% of occupational wages and therefore, it is very much incumbent and necessary to claim 100% occupational wages for that purpose, the petition has to be amended. Therefore, the petitioner is intended to file this amendment application to incorporate the particulars mentioned in this amendment application.

Since the petitioners are claiming 100% occupational wages consequently, the claim amount has also to be amended. Hence, to amend the claim petition for the above stated reasons the petitioners have filed this present application and they request this court to allow this amendment application.

2. Counter averments in-brief :-

The respondent in his counter stated that the petition filed by the petitioners is unsustainable either on law or on the facts and it is frivolous and vexatious one and liable to be dismissed in liminie.

The respondent further states that the petitioners by way of this amendment are trying to introduce a new set of allegations which are contrary to the earlier allegations and also to the earlier pleadings. If at all the petitioners intend to agitate the issues mentioned in this application, the only recourse open to the petitioners is to file a separate case on the basis of legal requirements. The petitioners cannot take advantage of the earlier judgment rendered by the High Court of Madras.

The respondent further alleged that the petitioners instead of pursuing legal remedies as permissible in law are trying to circumvent the process by filing the present application. By filing this petition, the petitioners are trying to prolong the proceedings. The interregnum period between the filing of this petition and the representation of the petition before this court itself would prove that the petitioners are trying to cause unnecessary delay in the present case. There are no merits in the petition and requests for the dismissal of the petition.

3. Now the point for consideration is, **‘whether this petition is liable to be allowed or not’?**

4. **POINT:-**

After hearing both the counsels, after perusing the petition and counter, this court comes to know that the petitioners, who are the employees of the respondent’s sugar mill, are claiming occupational wages from the respondent.

The reasons for filing this computation petition are, earlier the employees of the respondent's sugar mill had approached this court by filing an I.D.No.70/2004 and claimed occupational wages. That industrial dispute ended in favour of the employees and this court held that, the employees are entitled to get occupational wages and also the difference amount from the respondent's sugar mill.

The respondent has challenged the said award before the Hon'ble High Court in W.P.No.14998/2011. The said Writ Petition has been dismissed by the Hon'ble High Court on 29.04.2019 by holding that the employees of the respondent's sugar mill are entitled to get 40% occupational wages. Aggrieved against dismissal, the respondent preferred W.A.No.914/2020 and challenged the writ petition order. The said writ appeal was disposed-off by holding that the employees are entitled to get 40% occupational wages and also entitled to get balance pending occupational wages. Therefore, the petitioners have filed this claim petition claiming difference in occupational wages for the period from 1991 to 2009.

Pending the petition they alleged that originally the employees are entitled to get 100% occupational wages but inadvertently the employees have claimed only 40% of occupational wages. Therefore, to amend the claim petition and to claim 100% occupational wages instead of 40%, and also to include the facts in support of the claim of 100% occupational wages, and also consequently to amend the claim amount, they have filed this present petition.

The respondent has strongly objected this application. Their main objection in the application is that it was filed belatedly and by

introducing these amendments they are introducing a new set of allegations which are in totally contrary to the earlier round of litigation and hence requested for the dismissal of the same.

This court is of the view that, the petitioners who are the employees of the respondent's sugar mill are claiming occupational wages based on the order of this court as well as the order of Hon'ble High Court passed in Writ Petition as well as in the Writ Appeal Petition. Admittedly, the earlier round of litigation has been raised by the union on behalf of its union members. The said Industrial Dispute ended in favour of the union and this court in the I.D. has held that the employees are entitled for occupational wages. The said order of this court has been confirmed by the Hon'ble High Court in the Writ Petition preferred by the respondent and the Hon'ble High Court has held that the employees are entitled for differential arrears of occupational wages. The said order of Hon'ble High Court in the Writ Petition was again confirmed by the Hon'ble High Court in the Writ Appeal. Further the above Division Bench of Hon'ble High Court has also held that if any other persons are interested in that matter it is open for them to agitate and get the relief in accordance with law. The exact order of Division Bench of Hon'ble High Court is extracted as below:

“We also make it clear that if any other persons are interested in that matter it is open for them to agitate and get their reliefs that may be due to them in accordance with law. In view of the settlement as per the award have to be extended to the employees who have retired and who are still working now, in terms of the award, more so in the Right of Section 18(3) of the I.D.Act 1947.”

Therefore, the petitioners who are the employees of the sugar mill have come forward with this present computation petition and inadvertently they have claimed only the 40% of occupational wages, but they contended that they are entitled for 100% occupational wages. Hence, to amend the claim petition and the claim amount, this present application.

This court finds that whether they are entitled for 100% of the occupational wages or 40% of occupational wages as per their original claim will be decided by this court only after the conclusion of trail. At this stage, this court cannot decide their claim on merits. The petitioners as alleged by them, in a negligent manner have filed this claim petition and claimed only 40% of the occupational wages, but before the commencement of the trail they have chosen to file this application by amending the prayer. This court is intended to provide an opportunity to the petitioner to make their claim before this court. Whether they are entitled are not is a matter to be decided at a later stage. Hence, this court with an intention to provide opportunity to the petitioner to make their claim at once is intended to allow this application.

In view of this above discussion, this petition is allowed and there is no order as to costs.

Dictated to the Steno-Typist, typed directly in the computer, corrected and pronounced by me in the Open Court, on this the 23rd day of February, 2026.

**Presiding Officer (FAC),
Additional Labour Court,
Vellore.**