

BEFORE THE PRINCIPAL LABOUR COURT, VELLORE.

**PRESENT : Tmt.A.Packia Jothi, M.L.,
Presiding Officer**

Friday, the 31st day of July, 2026

**C.P. No.27/2026
(CNR No.TNVL02-000084-2026)**

J.Ruby Josephine,
D/o. James Sundardoss,
W/o. Charles Siril,
No.532, Manicka Naicker Street,
Viruthampattu, Katpadi,
Vellore – 6.

Petitioner

Versus

The President,
Bethesda Hospital,
Ambur,
Tirupattur District - 635 802. (Closed)

The President,
Head Office,
India Evangelical Lutheran Church,
No.321, Lutheran Mission Compound,
K.P.Road, Nagerkoil,
Kanniyakumari District - 629 001.

Respondent

This petition came up for final hearing on 27.07.2026 in the presence of Thiru.R.Rajendiran, the Advocate for the Petitioner the respondent remained ex-parte, and upon hearing the arguments of petitioner side, upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

AWARD

This is an application filed by the petitioner U/s.33(C)(2) of the Industrial Disputes Act, 1947, requesting this court to permit the petitioner to receive the salary in which she has pre-existing right and she may be permitted to receive Rs.16,71,910/- towards the pending salary, bonus for three years, notice pay for 3 months, closure compensation and leave wages.

1. Petition averments in brief:-

The petitioner has filed this petition stating that the petitioner had been working in Bethastha Hospital, Ambur from 14.05.1997 as Laboratory Technical. Till 31.12.2014 she has been paid with salary, from 01.01.2015 to 31.01.2018 the petitioner has worked, but the respondent has not paid the salary. The petitioner contacted the respondent every month and the respondent told that the financial capacity is not good. From 01.01.2015 to 31.01.2018 the Provident Fund Amount has not been paid by the respondent. The respondent has given salary in the month of December 2014, the salary amount is Rs.10,600/-. On 01.02.2018 without any notice the petitioner was denied work along with 280 labourers. The notice was not sent to the labourers through registered post. The petitioner contacted the respondent, the respondent replied that they would call for work, when the financial strain is rectified. On 19.03.2025 the petitioner has filed a petition before the Labour Officer under Section 2(A) of the Industrial Disputes Act, 1947, claiming work. On 07.04.2025 the Labour Officer had found that she has not filed the petition in time and so she can file the

petition before the Labour Court under Section 33(C)(2) of the Industrial Disputes Act, 1947. The respondent hospital was running with 280 labourers and it was yielding profit for which the petitioner's hard work is one of the cause. Without 3 months notice and without orders from the Government the hospital has been closed. Hence, the petitioner is entitled to the wages. When the petitioner has claimed the salary shewas given one month salary. Hence, the petitioner may be given Rs.16,71,910/-.

2. In this case, after receipt of the notice, the respondent did not appear before this court, hence the respondent herein was called absent and set ex-parte on 19.06.2026.

3. The petitioner herein to prove his case examined himself as PW1 and through him Ex.P1 to P8 were marked.

4. **Issue arise for consideration:-**

Whether the petitioner is entitled for an order for pending salary, bonus for three years, notice pay for three months, closure compensation and leave wages or not?

5. **Issue :-**

The petitioner has been working in Bethesda Hospital as Lab Technician. The Identity Card is marked as Ex.P1. The pay slip for July 2013 reveal that her last pay is Rs.9,784/-. The salary slip is marked as Ex.P2. The hospital has been closed on 01.02.2018 as per the letter addressed by one Mr.S.Muthuraj, General Secretary, IELC, dated

31.01.2018. This document is marked as Ex.P3. On 12.04.2017 the General Secretary of IELC (India Evangelical Lutheran Church) Thiru.K.Baul Sundar, to the Tahsildar, Ambur. This letter reveals that for the last five years the hospital was running without necessary funds and so the labourers were not able to receive the entire salary and steps have been taken to rectify the same. The petitioner has addressed letter to the Assistant Commissioner of Labour requesting job and pending salary from 01.02.2015 to 31.01.2018. The petition is not in consonance with Ex.P6, the Assistant Labour Commissioner has given a reply that the petitioner has not approached the Assistant Labour Commissioner within time and she can address the labour court under Section 33(C)(2). This communication is marked as Ex.P7. Ex.P3 reveals that the hospital is closed from 01.02.2018. The petitioner claims pending salary from 01.01.2015 to 31.01.2018 for a period of 3 years and one month. The total salary which is due to the petitioner is Rs.3,62,008/-.

The petitioner has claimed bonus Under Section 33(C)(2) to claim bonus the petitioner should have work atleast 30 days in a year. The petitioner is not a daily wager, so the petitioner is entitled to bonus. Under the Payment of Bonus Act statutory bonus is applied and calculated strictly by using Rs.7,000/- as base line. Bonus Pay = (Basic Salary + Dearness Allowance) X Bonus percentage X Eligible working day / Total working days. $(6150 + 2896) \times 8.33 \times 365$. Eligible working days is the number of days actually worked. The employee's actual basic pay and dearness allowance is higher than Rs.7,000/- but under Rs.21,000/- eligiblity limit

the bonus calculation is capped at Rs.7,000/-. The petitioner has not pleaded to be on loss of pay, unpaid leaves and suspension. So eligible working days and total working day is one and same. So, $7000 \times 8.33/100 = 583.1$ per month, $583.1 \times 12 = 6997.2$ per year, for three years $= 6999.2 \times 3 = 20991.6$. For three years the petitioner is entitled to bonus which amounts to Rs.20,991/-.

The petitioner has claimed notice pay, because her employment has been terminated due to closure without the mandatory statutory notice period. The petitioner has not been terminated for misconducts and she has not resigned voluntarily. The petitioner claims that she has right three months notice pay. Notice Pay recovery = monthly salary / 30 $\times$ 90 = 9784 / 30 $\times$ 90 = Rs.29,352/- Taken into consideration the notice period as 90 days, the petitioner is entitled to Rs.29,352/- as notice pay compensation.

The petitioner has claimed closure compensation from Bethesda Hospital from the date from which the hospital has been closed permanently. The petitioner claims that she has worked in Bethesda Hospital from 14.05.1997 to 31.01.2018. The petitioner has pleaded that she is working from 14.05.1997 even before the Assistant Commissioner of Labour she claims to have worked from 14.05.1997. No document has been produced by the petitioner to prove that she has worked in Bethesda Hospital from 14.05.1997. Hence, the petitioner cannot claim closure compensation.

The petitioner has claimed leave wages for three years. The petitioner is entitled the leave wages if the employment contract standing orders grant the right to cash out the leave. The employment order has not been produced to prove the contract. Hence, the petitioner is not entitled the leave wages for three years.

The entitled amount of the petitioner is typed below:

S.No.	Heads	Amount
1.	Pending Salary	Rs. 3,62,008/-
2.	Bonus	Rs. 20,991/-
3.	Notice Pay Compensation	Rs. 29,352/-
Total		Rs.4,12,351/-

Point is answered accordingly.

In the result, this petition is partly dismissed in respect of closure compensation and leave wages and partly allowed in respect of pending salary, bonus and notice pay compensation and the petitioner is entitled to receive from the employer Rs.4,12,351/- towards pending salary, bonus, notice pay compensation and the respondent is directed to pay the sum of Rs.4,12,351/- to the petitioner within a period of 3 months from the date of this order, failing which the petitioner is entitled to an interest for the above amount at the rate of 6 percent per annum from the date of filing of this petition till date of realization and no order as to costs.

Dictated to the Steno-Typist directly, typed directly in the computer, corrected and pronounced by me in the Open Court, on this the 31st day of July, 2026.

**Presiding Officer,
Principal Labour Court,
Vellore.**

Annexure:-

1. List of Witnesses on the side of the Petitioner:-

PW1 – Tmt.J.Ruby Josephine

2. List of Exhibits marked on the side of the Petitioner:-

- | | | | |
|-------|---|------------|--|
| Ex-P1 | – | ---- | – Copy of Identity Card of the petitioner |
| Ex-P2 | – | ---- | – Copy of Salary Slip of the petitioner |
| Ex-P3 | – | 31.01.2018 | – Copy of Intimation Letter issued by the General Secretary of IELC |
| Ex-P4 | – | 12.04.2017 | – Copy of Letter issued by the General Secretary of IELC to the Tahsildar, Ambur. |
| Ex-P5 | – | 24.08.2016 | – Copy of Request for Repair Form |
| Ex-P6 | – | 19.03.2025 | – Copy of Petition under Section 2(A) of the I.D.Act filed before the Assistant Commissioner of Labour, Vellore. |
| Ex-P7 | – | 07.04.2025 | – Copy of Letter issued by the Assistant Commissioner of Labour, Vellore. |
| Ex-P8 | – | ---- | – Copy of Aadhar Card of the petitioner |

**Presiding Officer,
Principal Labour Court,
Vellore.**