

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.06.2015

Coram

The Honourable Mr.JUSTICE T.RAJA

W.P.No.18949 of 2015
and
M.P.Nos. 1 & 2 of 2015

M/s.Pam Apparels (P) Ltd.,
rep.by its Managing Director,
Mr.Anjani Kumar

... Petitioner

vs.

1.The Presiding Officer,
III Additional Labour Court,
Chennai-600 104

2.Mr.E.P.Joy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records in respect of the award dated 11.10.2013 passed by the first respondent III Additional Labour Court, Chennai, in C.P.No.26 of 2013 and the consequential orders passed in I.A.No.125/2015 in C.P.No.26/2013 dated 20.05.2015 on the file of the II Additional Labour Court, Chennai.

For Petitioner : Ms.S.Hemalatha

सत्यमेव जयते

ORDER

This writ petition has been filed challenging the impugned order passed by the learned III Additional Labour Court, Chennai, allowing the petition filed by the second respondent with a direction to the petitioner to pay a sum of Rs.3,08,000/-.

2. It is the case of the petitioner that after the second respondent was appointed in the petitioner company as Pattern Master on 18.5.2006 with a basic salary of Rs.5000/- plus applicable allowances, after periodical annual increments, he was paid usual salary. However, due to some mis-understanding with the authorities of the petitioner company, that occurred in February 2011, the second respondent had quit his service from the petitioner company and accordingly, he was relieved from his duties after making full and final settlement on 16.10.2012. Subsequently, the second respondent has made a claim petition, in C.P.No.26/13, before the first respondent, invoking Section 33(2) of the Industrial Disputes Act, allegedly claiming compensation of monitory benefits like Provident Fund and Gratuity to the tune of Rs.3,08,000/-. Since the notice served by the first respondent in the claim petition was not brought to the knowledge of the petitioner by the staff, the claim petition was not defended by engaging a counsel at the initial stage. Subsequently, after finding that the claim petition has been filed by the second respondent, the petitioner also has engaged one Mr.Saravanakumar to defend their case, who also did not follow the case. As a result, an ex-parte order was passed by the first respondent, on 11.10.2013, allowing the computation petition filed by the second respondent. Subsequently, the second respondent also moved an execution petition in E.P.No.43 of 2014 in C.P.No.26 of 2013 for attachment of the movables. When the bailiff came to the office of the petitioner in execution of the warrant to attach the movables, it came to the light of the petitioner the filing of the claim petition. Immediately thereafter, an application was also moved. The first respondent, having entertained the application to re-open the case, subsequently dismissed the same. Therefore, it is the contention of the petitioner that the impugned order is liable to be set aside.

3. Heard the learned counsel for the petitioner and perused the records.

4. This Court hardly finds any merit in the writ petition. The reason is that the case of the petitioner that the second respondent was paid with full and final settlement of Rs.19,840/-, as per Mr.Anjani Kumar's advice, on 16.10.2012, is far from satisfaction on the ground that when the second respondent had joined the petitioner's company as Pattern Master, on 18.5.2006, on a basic salary of Rs.5000/- plus applicable allowances, he was paid a sum of Rs.19,840/- at the time of quitting the service, even as per the admitted case of the petitioner. When such being the position, the petitioner ought not to have paid the retrenchment compensation for the period from 18.5.2006 to 17.10.2012 towards three months

notice pay, bonus for five years, leave wages for the period from 2006 to 2012 and over time wages for two years. Therefore, this Court is not able to find any merit in the writ petition and accordingly, the writ petition is dismissed. No costs. Connected miscellaneous petitions are dismissed.

-Sd/-

Assistant Registrar

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Sub Assistant Registrar

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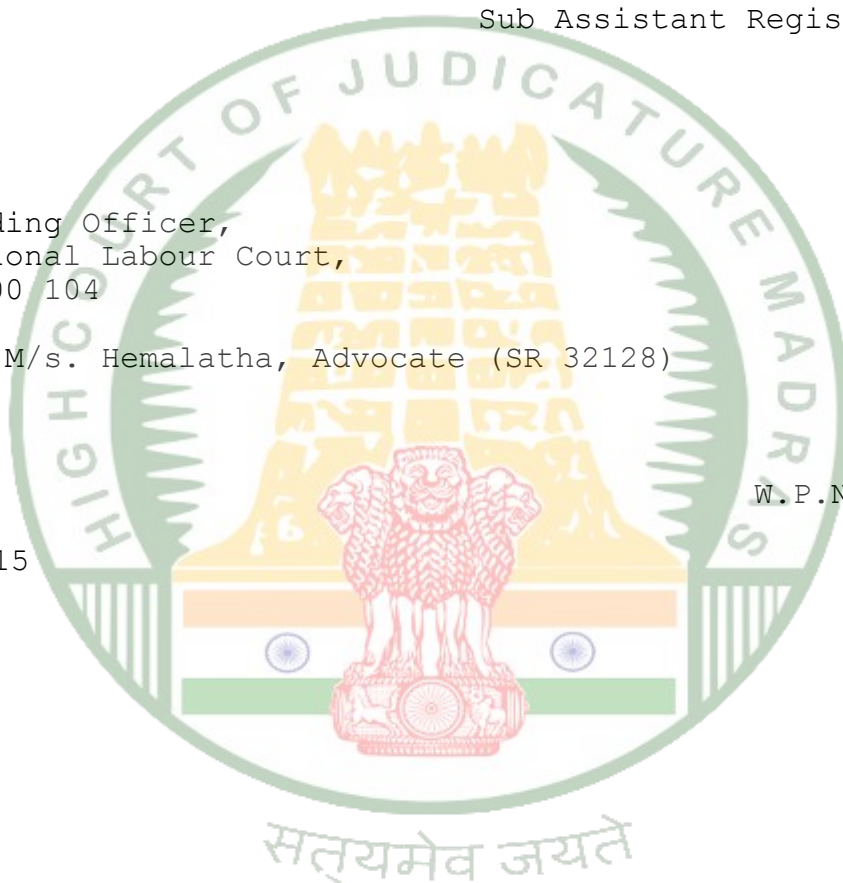
To

The Presiding Officer,
III Additional Labour Court,
Chennai-600 104

+ 1 cc to M/s. Hemalatha, Advocate (SR 32128)

PVR (CO)
YJ 24.07.15

W.P.No.18949 of 2015



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