

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.15301 of 2003 &
W.P.M.P.No.19201 of 2003

AA 226, Modakurichi Primary Agril.

Co-op. Bank Ltd., rep. by
its Special Officer

[PETITIONER]

Vs

1.The Presiding Officer
Labour Court, Salem.

2.K.Subramaniam

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the entire records in so far it relates to impugned orders of the Labour Court, Salem passed in C.P.No.7 of 2002 dated 26.12.2002 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents :Mr.R.Krishnamoorthy-R2

O R D E R

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.R.Krishnamoorthy, learned counsel appearing for second respondent.

2.The petitioner is a co-operative Society and has challenged the impugned proceedings passed by the Labour Court, Salem. The second respondent herein was an employee of the petitioner society and it appears that he was removed from service and the second respondent filed a Petition before the Labour Court under section 33(C)(2) of the ID Act, which was taken on file as C.P.No.7 of 2002 to compute the arrears of special increments payable to him together with interest.

3. The impugned order is an order computing the claim at Rs.22,800/- together with interest at 12% p.a. However, no reason has been assigned in the impugned order, though it is

titled as 'Gist of Order', no other order has been produced assigning reasons. That apart, the issue as to whether the second respondent is entitled to settle his dues, has not been clearly discussed in the impugned proceedings. Therefore, this Court is of the view that the matter should be re-considered by the Labour Court.

4.At the time when the writ petition was entertained, an interim order was granted subject to the condition that the petitioner society deposits 50% of the amount as determined in C.P.No.7 of 2002, within a period of four weeks from the said order. Subsequently, an application was filed by the petitioner for extension of time and the same was ordered vide order dated 8.7.2003.

5.The learned counsel for the petitioner submits that the amount has been deposited in the Labour Court to the credit of C.P.No.7 of 2002.

6.In the light of the above the Writ Petition is allowed, the impugned order is set aside and the matter is remanded to the first respondent Labour Court for fresh consideration, after opportunity to both parties. Before commencement of trial, the second respondent shall be permitted to withdraw the entire amount, which has been deposited to the credit of C.P.No.7 of 2002, by filing appropriate petition. The Labour Court shall endeavour to conclude the proceedings at the earliest. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Presiding Officer
Labour Court, Salem.

+1cc to Mr.C.Prakasam, Advocate sr.68119
+1cc to Mr.K.Premkumar, Advocate sr.67814

The Section Officer, V.R.Section High Court, Madras-104.

W.P. No.15301 of 2003

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srg 04/01/2016