

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: **06.04.2016**

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16640 of 2003 &
WMP No.80 of 2015

Tamil Nadu Secretariat Staff Co-operative
Canteen Ltd. rep. by its Special Officer

.. Petitioner

Versus

1.The First Additional Labour Court
By its Presiding Officer
High Court Complex,
Chennai 600 104.

2.G.Sekar

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records of the first respondent herein made in C.P.No.175 of 2001 dated 27.02.2002 and quash the same.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Court - R1

Mr.A.S.Palanisamy - R2

ORDER

Heard Mr.S.Thirumavalavan, learned counsel appearing for the petitioner and Mr.A.S.Palanisamy, learned counsel appearing for the second respondent and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The challenge in this Writ Petition is to an order passed by the First Additional Labour Court in C.P.No. 175 of 2001 dated 27.02.2002, by which the Labour Court computed the wages payable to the petitioner.

3.On an earlier occasion, this Court elaborately heard the submissions of the learned counsels on either side and passed an order on 10.02.2016, stating that to resolve the issue, the petitioner/Management should file a calculation memo as regards the wages which were received by the second respondent/workman, the minimum wages as per the notification of the State Government and the amount which has been deposited pursuant to the interim order passed by this Court and the amount that has been withdrawn by the workman.

4. Accordingly, the Memo of Calculation has been filed before this Court clearly giving the details viz. Month, Wages Paid, Minimum Wages, Balance and the Total. The period for which calculation has been given is from April 1997 to April 2000 and the following is the consolidated figures:

Amount to be paid under the Minimum Wages Act	:Rs.48,767/-
Wages paid from 07.04.1997 to 31.04.2000	:Rs.23,717/-
Amount paid as per the interim order of the Court	:Rs.21.070/-
Balance to be paid	----- :Rs. 3,980/- -----

In the light of the above, it is seen that as on date, the second respondent is to be paid only a sum of Rs.3,980/-.

5. Mr. A. S. Palanisamy, learned counsel for the second respondent while not disputing the above calculation submitted that the calculation has been done only upto April 2000 and not upto August 2000 and therefore, upto the said period, the second respondent is entitled to payment of minimum wages at the rate of Rs.1571/- per month.

6.The learned counsel appearing for the petitioner/ Management has drawn the attention of this Court to the impugned order and submitted that the Labour Court has recorded the fact that five months wages were paid to the workman as observed in paragraph No.5 of the impugned order.

7.Considering the nature of dispute and also taking note of the fact that five months minimum wages is stated to have been paid as noticed by the Labour Court, this Court with a view to give a quietus to the matter and considering the fact that the second respondent has already retired from service, this Court deems it appropriate to direct the petitioner/Management to pay a consolidated amount of Rs.10,000/- (Rupees Ten thousand only) to the second respondent, towards full and final settlement of all claims made by the second respondent, as against the petitioner/Management. The above payment shall be made in favour of the second respondent by means of Demand Draft, within a period of two weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

06.04.2016

r p a

T.S.SIVAGNANAM, J.,
r p a

To

1.The First Additional Labour Court
By its Presiding Officer
High Court Complex,
Chennai 600 104.

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