

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.NO.18810 OF 2003
AND WMP NO.23529 OF 2003

The Management
Coimbatore District Co-operative Milk
Producers Union Limited
Coimbatore.

... Petitioner

Vs.

1.The Presiding Officer
Labour Court
Coimbatore.

2.K.N.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India by with a prayer to issue a Writ of Certiorari, to call for the records in C.P.No.498 of 1999 on the file of the Labour Court, Coimbatore, the first respondent herein and quash the order passed therein dated 24.03.2003.

For Petitioner : Mr.M.R.Raghavan
For Respondent - 2: Mr.K.M.Ramesh

ORDER

This writ petition has been filed by the Management of Coimbatore District Cooperative Milk Producers Union Limited challenging the award dated 24.03.2003 passed in C.P.No.498 of 1999 by the Labour Court, Coimbatore, the first respondent herein, in favour of K.N.Murugesan, the second respondent herein.

2. The brief facts of the facts of this case are as under:-

(a) It is the case of K.N.Murugesan that he was employed as Clerk in the Accounts Section in the Coimbatore District Cooperative Milk Producers Union Limited (hereinafter would be referred to as the Management for brevity). He was illegally terminated from service on 15.04.1974. Thereafter, he raised an industrial dispute and the litigations between K.N.Murugesan and the Union reached various stages about which it may not be relevant to recount as they are not germane to the dispute covered by the present writ petition. Suffice it to say that the Labour Court, Coimbatore passed an award in I.D.No.149 of 1977 in

favour of K.N.Murugesan directing the Management to declare the termination of K.N.Murugesan as illegal and further directing the Management to reinstate him with all other benefits.

(b) Challenging the award, the Management filed W.P.No.3059 of 1989, which ultimately was dismissed by this Court on 30.06.1998. The Union filed W.A.No.2286 of 2000 which was also dismissed by a Division Bench of this Court on 13.12.2006.

(c) In the meantime, K.N.Murugesan filed C.P.No.498 of 1999 claiming backwages and other monetary benefits from 29.08.1973 to 29.11.1999 before the Labour Court, Coimbatore. The Labour Court, Coimbatore, after hearing both sides, has passed an order dated 24.03.2003 directing the Society to pay a sum of Rs.5,82,277/- to K.N.Murugesan, challenging which, the Union has filed the present writ petition.

3. Heard Mr.M.R.Raghavan, learned counsel for the Management and Mr.K.M.Ramesh, learned counsel appearing for

K.N.Murugesan.

4. Mr.M.R.Raghavan, learned counsel strenuously contended that the order passed by the Labour Court is not sustainable because the Labour Court had not taken into consideration the fact that the second respondent was gainfully employed during the said period and that he had also not adduced any evidence to substantiate his claim.

5. Per contra, Mr.K.M.Ramesh, learned counsel refuted the allegations.

6. This Court gave its anxious consideration to the rival submissions.

7. The fact remains that the award in I.D.No.149 of 1977 passed by the Labour Court, Coimbatore, on 12.10.1988, had attained finality with the dismissal of the W.A.No.2287 of 2000 on 13.12.2006 that was filed by the Management. Therefore, the Management is liable to pay K.N.Murugesan his backwages and other attendant benefits. As regards the present claim in C.P.No.498 of 1999, the Management had filed a memo of calculation which has marked as Ex.W3, wherein the

Management itself has stated that they have to pay a sum of Rs.6,27,690/- and that they have paid Rs.45,413/- which fact K.N.Murugesan admitted before the Labour Court. Therefore, the Labour Court had directed the Management to pay Rs.5,82,277/- (Rs.6,27,690 - 45,413) which in the considered opinion of this Court cannot be said to be illegal, inasmuch as the computation has been made based on the calculation memo submitted by the Management.

8. In the result, this Court does not find any infirmity in the order passed by the Labour Court. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. K.N.Murugesan will be entitled to withdraw the sum of Rs.5,82,277/- (Rupees Five Lakhs Eighty Two Thousand Two Hundred and Seventy Seven Only) with interest from the Labour Court, Coimbatore without furnishing security, but on proper identification.

31.01.2017
(1/2)

Index : Yes/No
Internet : Yes/No
TK

Note: The Registry is directed to immediately despatch the back records, if received, to the Labour Court, Coimbatore.

P.N.PRAKASH, J.

TK

To

The Presiding Officer
Labour Court
Coimbatore.

W.P.NO.18810 OF 2003

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