

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2018

CORAM:

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR

W.P.No.8422 of 2004

R.Radhakrishnan

...Petitioner

..VS..

1. The Junior Engineer,
Tamil Nadu Electricity Board,
Periya Kolappalore,
Thiruvannamalai District.
 2. The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvannamalai District.
 3. The Presiding Officer,
Labour Court, Vellore.
- ...Respondents

Prayer : This Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents relating to C.P.No.62 of 2001 dated 16.12.2003 passed by the third respondent herein quash the same and consequently directing first and second respondent to give the unpaid salary to the petitioner for the period of October 1994 to November 1996 and other benefits namely ex-gratia with interest at the rate of 12% from the date, the said payment fell due within a short time that may be fixed by this Court.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents: Mr.T.S.Gopalan and Co.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus to call for the records relating to C.P.No.62 of 2001 dated 16.12.2003 passed by the third respondent herein, quash the same and consequently to direct the respondents 1 and 2 to give the unpaid salary to the petitioner for the period of October 1994 to November 1996 and other benefits namely ex-gratia with interest at the rate of 12%

from the date, the said payment fell due, within a short time that may be fixed by this Court.

2. The petitioner was working in the respondent-Tamil Nadu Electricity Board, Chetpet Sub Division, Thiruvannamalai District (presently known as TANGEDCO) as a temporary contract labourer on daily wage basis from the year 1992. Initially, the petitioner was working under the Junior Engineer, Kolappalore and thereafter, he was working under Junior Engineer, Chetpet, both are under A.D.E., Chetpet.

3. The petitioner was paid on daily rate basis of Rs.20/- upto the year 1995 and thereafter, from the 1996 onwards, Rs.25/- was paid. However, even though the said salary had been fixed on daily wage basis, the petitioner has not, in fact, been paid the salary from the month of October 1994. In order to get the salary, the petitioner has made several representations. However, nothing yielded any result and in fact, the petitioner was ousted from service on 15.11.1996.

4. Therefore, it seems that the petitioner has approached the third respondent-Labour Court by filing a claim petition in C.P.No.62 of 2001. However, the same was dismissed by the third respondent on 16.12.2003. Aggrieved over the same, the petitioner has moved the present Writ Petition with the aforesaid prayer.

5. I have heard Mr.S.Ilamvaludhi, the learned counsel appearing for the petitioner and M/s.T.S.Gopalan and Co., the learned Standing Counsel appearing for the respondent- TANGEDCO.

6. In this case, the salary due, even according to the petitioner, was only Rs.13,636/- and for the said amount alone, the said C.P was filed and the same was dismissed by the third respondent.

7. After hearing the matter for some time during the last hearing, the learned Standing Counsel appearing for the respondent-TANGEDCO wanted to get instructions as to whether the respondent-TANGEDCO would come forward to settle the amount with reasonable interest to give a quietus to the said issue. Accordingly, the matter has come up today under the caption 'for orders'.

8. Today, the learned Standing Counsel appearing for the respondent-TANGEDCO would submit, on instructions, that the respondent-TANGEDCO would pay a sum of Rs.13,636/- (Rupees thirteen thousand six hundred and thirty six only) as one time settlement as full quit.

9. For the said offer made by the respondent-TANGEDCO, the learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is ready and willing to get the said amount as full settlement.

10. In view of the said submissions made by the learned Standing Counsel appearing for the respondent-TANGEDCO as well as the learned counsel appearing for the petitioner, having taken into account the said submissions made by them, this Court is inclined to pass the following order:-

a) The respondent-TANGEDCO shall pay a sum of Rs.13,636/- (Rupees thirteen thousand six hundred and thirty six only) towards wages due as a full and final settlement by way of full quit and the said amount shall be paid to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

b) If such amount is not paid to the petitioner within the said period two weeks, it shall carry an interest at the rate of 6% p.a. on the expiry of the said two weeks period.

c) This order is passed by taking into account the stand taken by the petitioner as well as the respondent-TANGEDCO before this Court.

d) It is made clear that the payment now made by the respondent-TANGEDCO to the petitioner shall not be treated towards advantage of the petitioner for seeking any other service benefits, for which both the parties are agreed that there is no litigation already pending.

11. With these directions, the Writ Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

rts/mp
To
The Presiding Officer,
Labour Court, Vellore.

+1cc to Mr.S.Ilamvaludhi, Advocate Sr.66989
+2cc to M/S.T.S.Gopalan & Co., Sr.66039,64069

W.P.No.8422 of 2004

srg 8/10/2018

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