



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2018**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 20747 of 2017

WEB COPY

M.Vincent

.. Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Cuddalore.

2. The Managing Director,
Thanjavur Consumers Cooperative
Store Limited,
Thanjavur.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 13.07.2017 in C.P.No. 25/2015 passed by the first respondent and quash the same as not valid and illegal and there by direct the second respondent to settle the petitioner's retirement balance amount of Rs. 29,400/- payable to him with reasonable rate of interest within the time that may be stipulated by this Court.

For petitioner
For respondents

: Mr. G.M.Xavier
: Mr. A.K.Bhaskara Pandian
Special Government Pleader

ORDER

Heard the learned Counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

2. The petitioner was employed in the second respondent Society as a Clerk. He retired from service on 28.02.2007. A sum of Rs.29,400/- was to be paid to him towards refund of the security deposit amount and surrender leave amount. Since the amount was not paid the petitioner filed an application in C.P.No.25/2015, before the Labour Court, Cuddalore.

3. Before the Labour Court, the management took a stand that the audit objections have been raised to the effect that the petitioner was responsible for some shortage amounting to a sum of Rs.1,10,200/-. The Labour Court by order dated 13.07.2017 dismissed the claim petition on the ground that the petitioner can



receive a sum of Rs.29,400/- after remitting a sum of Rs.1,16,206/-.

4. There is a specific ground taken by the petitioner that no order has been passed under Section 87 of the Tamil Nadu Cooperative Societies Act against him. Merely on the strength of an audit objection the dues payable to the petitioner cannot be withheld. This contention raised by the petitioner is not rebutted or controverted by the second respondent. Therefore, this Court has necessarily to set aside the impugned order dated 13.07.2017 in C.P.No.25/2015, on the file of the Labour Court, Cuddalore. The second respondent is directed to settle the petitioner's retirement balance amount of Rs.29,400/-, with 6% interest, within a period of eight weeks.

5. This Writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

1. The Presiding Officer,
Labour Court,
Cuddalore.
2. The Managing Director,
Thanjavur Consumers Cooperative
Store Limited,
Thanjavur.

+1cc to The Spl. Government Pleader Sr.No.49556

KMI

VB/SKN/RSK/SAR1/04.04.2018/2P/4C

ORDER MADE IN
W.P. (MD) No. 20747 of 2017
15.02.2018