

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.16845 of 2013

S.MahaLakshmi

.. Petitioner

- Vs -

1.The Chairman and Managing Director,
Tamil Nadu Handloom Weavers,
Co operative Societies Ltd,
No.350, Pantheon Road,
Egmore, Chennai 600 008.

2.The Regional Manager,
co optex Regional Office,
Guest House Building (Gr.Floor),
No.350, Pantheon Road,
Egmore, Chennai 600 008.

.. Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to consider the petitioners representation dated 24.12.2012 for payment of pay arrears from 20.03.1991 to 28.02.2011 and terminal benefits.

For Petitioner : Mr.B.Radhakrishnan for
M/S.S.Stalin Muthu

For Respondents: Mr.K.Rajesh for
M/S.Jayaraman Associates for R2

ORDER

This writ petition has been filed by the petitioner to direct the respondents to consider the petitioner's representation dated 24.12.2012 for payment of pay arrears from 20.03.1991 to 28.02.2011 and terminal benefits.

2.The case of the petitioner is that the petitioner was dismissed by the 1st respondent on ground of certain irregularities. The order was set aside by the Deputy Commissioner of Labour, Chennai consequent upon which the

petitioner was reinstated into service by the 1st respondent and the petitioner joined duty on 13.06.1997 in Cuddalore, Co-optex Region. The 1st respondent has instructed the Regional Manager on 12.03.2001 to give all eligible benefits to the petitioner after adjusting the subsistence allowance as well as regularise the services of the petitioner. Though the 1st respondent has specifically instructed the 2nd respondent to regularise the suspension period as duty period, however the 2nd respondent has not regularised the suspension period from 11.06.1990 to 12.06.1997, as a result of which 36 days was not taken for calculation of encashment of privilege leave and the second respondent has taken the last pay drawn as Rs.11940/- for all calculation of terminal benefits instead of eligible pay of Rs.12550/-. The 2nd respondent had not sent proposal for release of employees provident fund and the petitioner has not been sanctioned pension for the last two years. The petitioner made several representations to the respondents for payment of eligible benefits for the period from 20.03.1991 to 28.02.2011 which was not considered by the respondents. Hence the present petition.

3.Learned counsel appearing for the petitioner submitted that though the petitioner is eligible for pay at Rs.12550/-, however, his pay has been wrongly fixed at Rs.11940/- and even after retirement, the retirement benefits were not paid to the petitioner. Hence this Court may issue a direction to the respondents to consider the representation dated 24.02.2012 within a reasonable time as fixed by this Court.

4.Per contra, learned counsel appearing on behalf of the respondents filed a counter affidavit and stated that though the petitioner has filed this petition claiming the benefits, apart from this the petitioner has filed a claim petitioner before the First Additional Labour Court, Chennai and the above claim petition was numbered as C.P.NO.2/2014 and the Hon'ble First Additional Labour Court, Chennai was pleased to direct the 1st respondent to pay a sum of Rs.1,90,115/- with regard to the claim made by the petitioner and in compliance of the order passed by the Hon'ble First Additional Labour Court, Chennai the 1st respondent has paid the above sum of Rs. 1,90,115/- to the petitioner on 31.01.2017 vide cheque bearing NO.017090 dated 31.01.2017 drawn on Tamil Nadu State Apex Cooperative Bank Ltd in favour of the petitioner.

5.This Court heard both side arguments and perused the material available on record.

6. A perusal of the materials available on record and the averments in the counter filed by the respondents reveal that subsequent to reinstatement and based on the second petition filed before the 1st Addl. Labour Court in C.P. No.2/12, a sum of Rs1,90,115/- has been paid to the petitioner which is not disputed by the petitioner. In such view of the matter, this Court is of the considered opinion that nothing further survives for adjudication in the present petition.

7. Accordingly, this writ petition is closed. However if the petitioner is entitled to any differential amount over and above what has been received by him, it is open to the petitioner to workout his remedy in the manner known to law. There shall be no order as to costs.

Sd/-
Assistant Registrar

/true copy/
Sub Asst. Registrar

jrs

To

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