

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.5747 OF 2018

AND

W.M.P.NO.7088 OF 2018

The Management of the
Kancheepuram Central Co-op. Bank Ltd.,
No.15G, Sheikpet North Street,
Kancheepuram - 631 501

.. Petitioner

vs

1. The Presiding Officer,
Second Additional Labour Court, Chennai.

2. R.Murugappan,
S/o Late Rajamanickam Mudaliar

3. The Registrar of Cooperative Societies,
Mc Nichols Road, Kilpauk,
Chennai - 600 010.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records culminating in the order dated 09.10.2015 made in C.P.No.444 of 2013 on the file of II Additional Labour Court, the first respondent herein and quash the same.

For Petitioner : Ms.A.Shabana Fathima
for Mr.R.Gophinath

For Respondents: Mr.T.Ramkumar for R2
Mr.L.P.Shanmusundaram for R3

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O R D E R

Challenge made in this Writ Petition is against the order of the Labour Court dated 09.10.2015 made in C.P.No.444/2013.

2. The 2nd respondent herein filed a Claim Petition for computing the money value payable by the Management to the workman of Rs.1,64,560.01. According to the workman, his claim should have been settled as has been paid to one P.Shanmugam.

Therefore, the workman filed the above computation petition for paying the said sum of Rs.1,64,560.01.

3. The Management contested the said Claim Petition. According to the Management, in the counter affidavit filed before the Labour Court, the claim amount of Rs.1,64,560/- has already been settled to the workman. It is their specific case that they paid a sum of Rs.4,57,772.90 in pursuant to the orders granted in C.P.No.730/1989, 144/1993 and 556/1998 and the said sum of Rs.4,57,772.90/- includes the present claim of the workman, namely Rs.1,64,560/-. When such being the respective claim of the parties, the Labour Court has chosen to pass the impugned award without adverting to any of the contentions raised by both parties and giving a finding on the same. The Labour Court also erred in observing as if the Management in its counter has not denied the above said claim of the workman of Rs.1,64,560.01. On the other hand, the counter filed therein, would show that the Management has contended that the said amount has already been paid to the workman.

4. This Court, at this stage, is not inclined to go into the rival contentions of the parties and express any view on the simple reason that such exercise, which ought to have been done by the Labour Court, has not been done in this case. Therefore, the Labour Court, being the fact finding authority, has to go into all those aspects and pass a considered and speaking order. As I find that the present impugned order is not a speaking and only a very cryptic order, this Court is inclined to set aside the impugned order and remand the matter back to the Labour Court to pass a fresh order on merits and in accordance with law after giving due opportunity of hearing to both parties.

5. Accordingly, this Writ Petition is allowed and the impugned order is set aside. Consequently, the matter is remanded to the Labour Court where the Claim Petition is filed, for fresh consideration. The Labour Court will hear and pass fresh orders in the Claim Petition on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

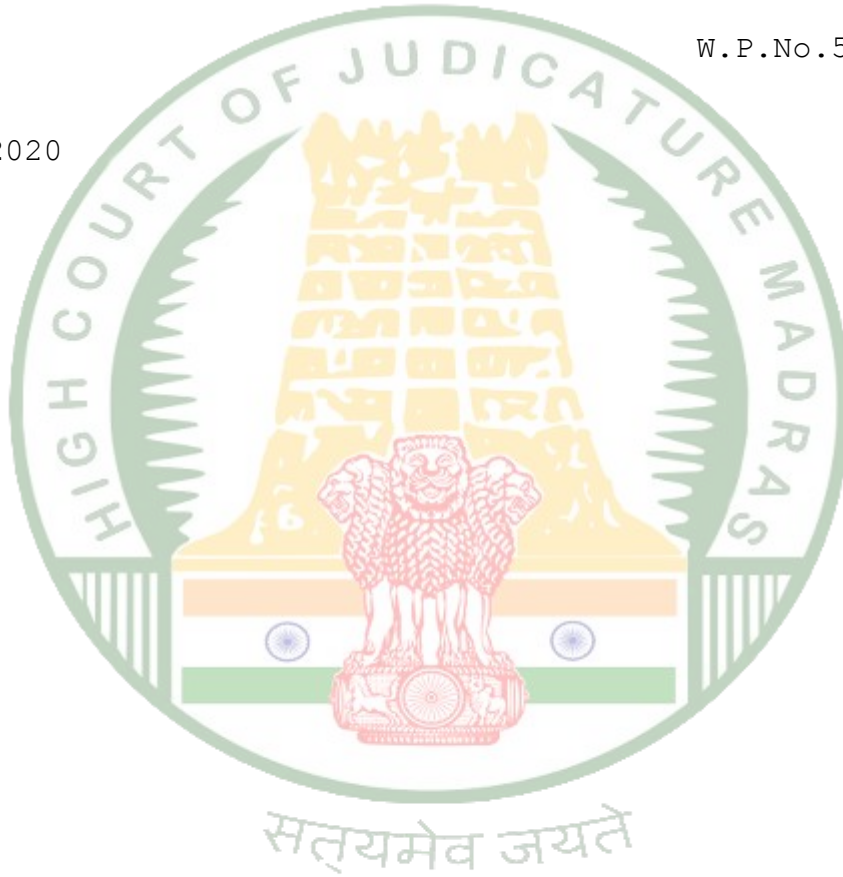
1. The Presiding Officer,
Second Additional Labour Court,
Chennai.
2. The Registrar of Cooperative Societies,
Mc Nichols Road, Kilpauk,
Chennai - 600 010.

+1cc to Mr.T.Ramkumar, Advocate, S.R.No.7080

+1cc to the Special Government Pleader, S.R.No.7632

W.P.No.5747 of 2018

RJI (CO)
CS/03/02/2020



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