



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.30139 OF 2003

AND

WMP.NO.36819 OF 2003

Tirunelveli District Central
Co-operative Bank Ltd.,
Co-operative Bank,
Vannarapettai,
Tirunelveli - 627 003.
Rep.by its Managing Director /
Special Officer.

... Petitioner

-VS-

1. The Presiding Officer
Labour Court,
Tirunelveli.

2. T.Subramanian

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari to call for the records of the 1st respondent made in C.P.No.119/1997 dated 07.02.2003 and quash the same.

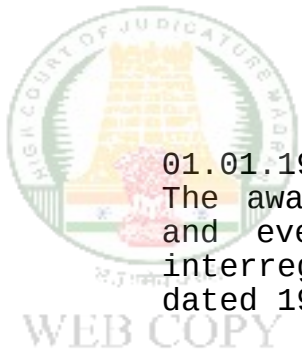
For Petitioner : M/s.Kaaviya Silambanan

For Respondents : No appearance

O R D E R

This Writ Petition has been filed, challenging the order dated 07.02.2003 passed by the 1st respondent in C.P.No.119 of 1997.

2. According to the Workman / 2nd Respondent herein, based on the award in I.D.No.190 of 85 dated 14.05.1991, he has to be placed in an appropriate position and paid salary from



01.01.1989 on the basis of the agreement between the parties. The award was confirmed by this Court in W.P.No.17380 of 2019 and even though a Writ Appeal has been preferred, in the interregnum period, the award was implemented vide proceedings dated 19.03.1997, which was marked as Ex.P.4.

3. The contention of the Management is that the Workman was under suspension from 25.08.1987 to 05.12.1989 and he is not entitled to any benefits during the period of suspension. The Management was asked to produce the entire file, which was marked as Ex.R1 series and that an undertaking was given by the delinquent that he would not claim the amount from the Management. The Labour Court held that even though the undertaking given by the delinquent appears to be a stumbling block, a clean chit has been given by the Management vide EX.P.4 and Special Officer of the Bank was directed to prepare bills for arrears from 01.01.1989 payable to the beneficiaries in I.D.No.190/85 mentioned supra. Therefore, the contention of estoppel made by the Bank was rejected, stating that the burden was shifted to the Bank, in the light of the evidence produced before the Labour Court. The Labour Court computed the amount at Rs.25,764/- together with interest @ 9% p.a. from the date of the petition till this date of the order and the rate of interest has been fixed at 6% from the date of the order till the actual disbursement, along with a cost of Rs.200/-.

4. In fine, I find that there is no perversity in the order of the Labour Court. Since the Writ Petitioner is a Cooperative Bank, the interest foisted on them, that too, in the present pandemic situation, in my view, is high and in order to give quietus to the matter, the amount payable together with interest is rounded off to Rs.50,000/- in toto. The amount shall be paid within a period of two months from the date of receipt of a copy of this order, failing which, the interest awarded by the Labour Court will stand automatically restored.

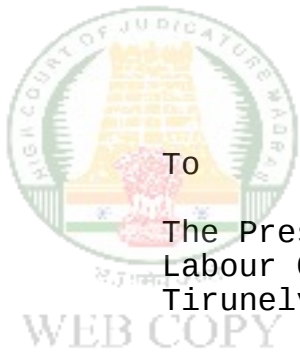
With the above observation and direction, this Writ Petition is ordered. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

dpq



To

The Presiding Officer,
Labour Court,
Tirunelveli.

W.P.No.30139 of 2003

KSM(CO)
RLP(01/11/2021)