



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10160 of 2005
and WMP.No.11036 of 2005

Management,
Kallakurichi Co-op. Sugar Mills,
Employees Co-op. Credit Society,
rep. by its Secretary,
Mungilthuraipattu,
Kallakurichi,
Villupuram District.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Cuddalore.

2. The President,
Socialist Employees Union,
No.6, Kenthanpodi Lane,
Salem Main Road,
Kallakurichi 606 202.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records of the first Respondent made in I.D.No.1 of 2001, dated 28.10.2004, and quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For 2nd Respondent : Mr.A.Deivasigamani

O R D E R

Petitioner/Management has come up with this Writ Petition challenging the order dated 28.10.2004 passed by the 1st Respondent/Labour Court, Cuddalore in I.D.No.1 of 2001, in granting monetary relief to the workman viz. S.Lakshmanan, from 27.05.1997 till 21.08.1998, together with continuity of service



and all other attendant benefits and for a direction to fix wages notionally and extend benefits.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. It is seen that, the workman viz. S.Lakshmanan was denied employment and he was reinstated in service. Subsequently thereafter, he was dismissed from service and again taken back in service. In the interregnum, no wages were paid. Hence, on behalf of the said employee, the Union raised a dispute in I.D.No.1 of 2001, which was referred for adjudication and the Labour Court, after considering as many as 23 Exhibits filed on behalf of the workman and 25 Exhibits on behalf of the Management, apart from verbal evidence of the Management, came to the conclusion that, denial of employment for that period is not justified and that, the workman would be entitled to wages, as he had already been reinstated and granted all other consequential and attendant benefits. Also, payment of interest ten times the amount was also rejected. Insofar as non-grant of interest is concerned, no Writ Petition is filed by the workman. It does not mean that, this Court is not empowered to mould the relief and grant interest, when the issue with regard to non-employment period is over two decades.

4. Taking note of the fact that, the Petitioner is a Co-operative Society and that, the Writ Petition is pending for more than 16 years and that, there is no perversity in the Award, which is based on finding of fact and also bearing in mind the present pandemic situation, this Court confirms the Award dated 28.10.2004 passed by the Labour Court except modifying the relief into one of 50% wages for the period from 27.05.1997 till 21.08.1998. However, other reliefs granted by the Labour Court are not interfered with and the plea of the Petitioner/Management is rejected.

5. This Court makes it clear that, if 50% wages are not calculated and paid to the workman within a period of four months from the date of receipt of a copy of this order, the workman would be entitled to interest on the same at 6% per annum from 01.07.2021. If the workman is eligible for other terminal benefits, it is needless to mention that, unless there are legal impediments, the same can be extended to him, if not already settled.



The Writ Petition is ordered accordingly. No costs. Consequently, Consequently, connected W.M.P.No.11036 of 2005 is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Presiding Officer, Labour Court, Cuddalore.
2. The President, Socialist Employees Union,
No.6, Kenthanpodi Lane,
Salem Main Road, Kallakurichi-606 202.

+1cc to Mr.M.S.Palaniswamy, Advocate, S.R.No.30449

+1cc to Mr.A.Deivasigamani, Advocate, S.R.No.30080

W.P.No.10160 of 2005
and WMP.No.11036 of 2005

GPL(CO)
RLP(20/07/2021)