

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.26050 of 2015

and

W.M.P.No.19679 of 2016 & M.P.No. 1 of 2015

The Management
C-2506 Pakkampalayam Primary
Agri.Co.op Bank Limited,
Rep.by its President,
Pakkampalayam Village & Post,
Vellore District - 632 107. Petitioner

Vs.

1.K.Chandra
2.K.Sathiya
3.K.Harimoorthy
4.The Principal Labour Court,
Vellore. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue writ of Certiorari, to call for the records relating to the passing of the order in C.P.No.293 of 2014 dated 14.07.2015 on the file of the Principal Labour Court, Vellore and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : M/s.S.T.Varadarajulu

O R D E R

The Management is the petitioner challenging the Award passed in Computation Petition for grant of benefits pursuant to the orders passed by the Registrar of Cooperative Societies in his Proceedings RC.No.53995 of 2010 TFMC dated 20.09.2010.

2. The respondent was appointed as a watchman and his services were regularized and wages were also paid. The other deduction towards E.P.F, Bonus, Gratuity etc., have been deducted from salary. However, due to an audit objection, the wages paid to the respondent was directed to be remitted back

for the years 1996 - 97 and 1997 - 98 and 1998 - 99. The respondent also remitted back the amount objected by the audit report to the tune of Rs.1,25,580/- without prejudice to his right to get it back after ratification of the same or as per resolution that may be passed by General Counsel in the year 2010. In the proceedings mentioned above, the Registrar of Co-operative societies has directed the Co-operative Societies to refund the money which was recovered from the employees, whose services were said to have been irregular. Pursuant to the same, it was refunded to many employees. Insofar as the petitioner is concerned, the benefits were not given during the pendency of the claim.

3. The workmen died and the legal heirs of the workmen filed a claim petition before the Labour Court. Considering the proceedings of the Registrar of Co-operative Societies, the Tribunal allowed the Computation Petition.

4. The learned Special Government Pleader appearing for the writ petitioner would vehemently contend that the deceased / workmen was not regularly appointed and his services cannot be reckoned for the purpose of refund of these wages and he is not covered by the circular issued by the Government at a latter point of time, after the period of 15 years. Therefore, the claim is belated and the order passed by the Labour Court is liable to be set aside.

5. On a careful perusal of the proceedings of the Registrar of Cooperative Societies, it clearly shows that the circular was issued only in respect of the persons like the deceased workmen who had appointed on irregular basis and they continued to serve till they attained the age of superannuation and retired from service. No disciplinary action was taken against them nor they were removed or dismissed from services. The deceased / workmen was also permitted to retire and provident fund and gratuity were given to him on deposit of amount objected by the Audit Department to the tune of Rs.1,25,580/-. Thus, the workmen remitted the said amount vide Payment Receipt No.049236, dated 27.03.2006. The benefits as claimed by the legal heirs is covered by the circular of the Registrar of Co-operative Societies on 20.09.2010. The Labour Court has rightly allowed the application. Therefore, the award passed by the Labour Court does not require any interference, and the same is confirmed.

6. The Labour Court has awarded interest at the rate of 9% per annum. However, considering the present prevailing pandemic situation and the condition of writ petitioner society, it is modified as 6% interest from the date of computation petition i.e., on 17.11.2014. The writ petitioner is directed to

settle the amount within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

8. Post the matter for "reporting compliance on 20.06.2021".

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Pns

To

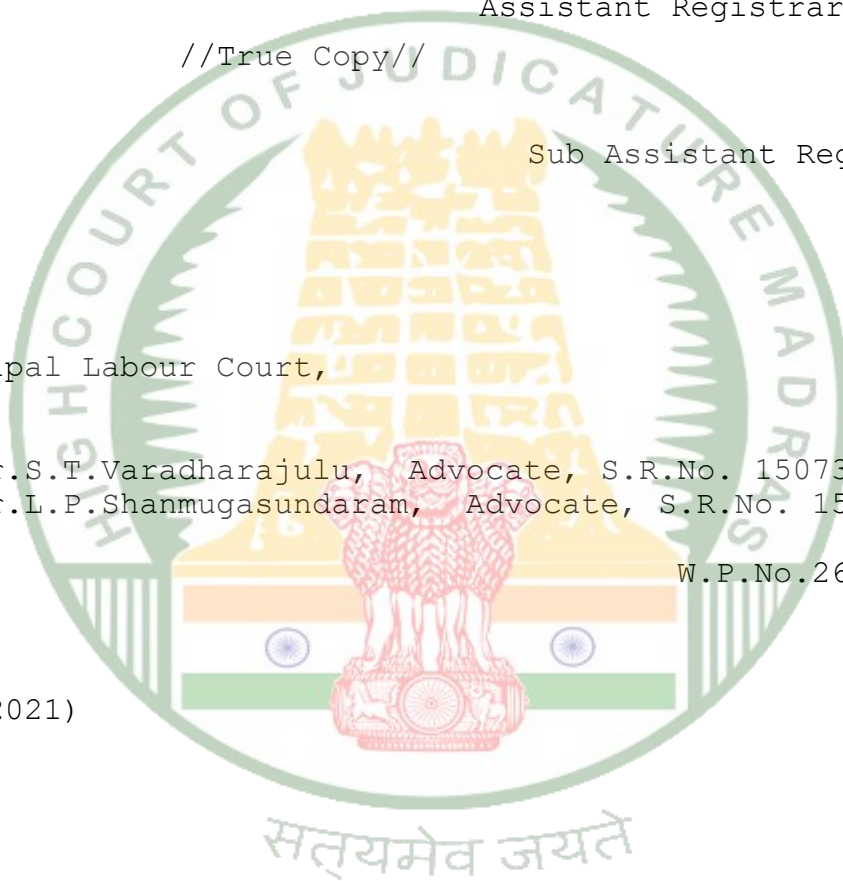
The Principal Labour Court,
Vellore.

+1cc to Mr.S.T.Varadharajulu, Advocate, S.R.No. 15073

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 15013

W.P.No.26050 of 2015

BS (CO)
GN (06/07/2021)



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