



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7296 of 2015
and
M.P.No.1 of 2015

Management,
rep. by President,
Selavadi Primary Agricultural
Co-operative Credit Society Ltd.,
Selavadi (PO), Omalur (TK),
Salem District.

...Petitioner

Vs.

1. K.Kuttiappan
2. The Presiding Officer,
Labour Court,
Salem (PO) & District.

...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 Labour Court, Salem, the 2nd Respondent herein in C.P.No.52 of 2011, dated 22.04.2014 and quash the same.

For Petitioner : Mr.P.Anbarasan

For 1st Respondent : Mr.K.V.Shanmuganathan

O R D E R

Petitioner/Management has come up with this Writ Petition challenging the order dated 22.04.2014 passed by the Labour Court in C.P.No.52 of 2011.

2. It is seen that, the 1st Respondent herein, an employee of the Petitioner/Management was placed under suspension on 28.07.1992 and after detailed enquiry, he was dismissed from service on 15.09.1993. He raised an Industrial Dispute in I.D.No.168 of 1995 and during the pendency of the same, he was



convicted by Judicial Magistrate-II, Mettur Dam in C.C.No.68 of 1994, on 03.09.1996. Subsequently, by a judgment dated 27.04.1998, in Criminal Appeal No.136 of 1996, the 1st Respondent/employee was ordered to be released under the provisions of the Probation of Offenders Act, keeping him in probation for six months.

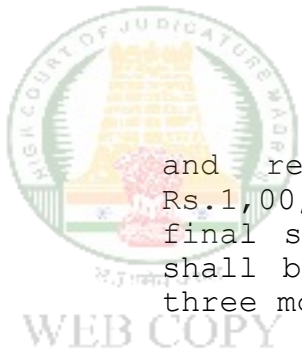
3. In the meantime, the Labour Court passed an Award on 24.01.1997 in I.D.No.168 of 1995, granting the relief of reinstatement and other benefits and the 1st Respondent/employee was reinstated into service on 20.10.1998, even before completion of his probation and he attained superannuation on 31.01.2010.

4. Thereafter, the 1st Respondent/employee filed C.P.No.52 of 2011, claiming wages from the date of his dismissal till the date of reinstatement and the Labour Court computed the amount payable to him as Rs.2,00,216/- within sixty days, and also held that, if the said amount is not paid within the time stipulated, he will be entitled to interest at 9% per annum.

5. Before the Labour Court, the Petitioner/Management took a plea that, the 1st Respondent/employee was convicted by the Criminal Court with one year Rigorous Imprisonment, however, the same has been suspended, on account of his good conduct. Though, it has been contended by the Petitioner/Management that, there was misappropriation of funds by the 1st Respondent/employee, the Labour Court in the Computation Petition has held that, it cannot be gone into, as there is an Award in the Industrial Dispute.

6. The criminal case against the employee ought to have been brought to the notice of the Labour Court by the employee. To that extent, the employee has not come with clean hands. The employee was also not in employment from 28.07.1992, i.e. from the date of suspension till he was actually reinstated on 20.10.1998. As the Award was passed on 24.01.1997 in the Industrial Dispute, the 1st Respondent/employee is entitled to all the consequential benefits.

7. Admittedly, the 1st Respondent/employee was not in judicial custody even for a single day. Though, this Court would have completely deprived all the benefits to the 1st Respondent/employee on the ground of suppression of facts, since he has the benefit of the Award in the Industrial Dispute and the benefit of the order in the Computation Petition, in order to give a quietus to the litigation and to bring down the life of litigation, this Court, interferes with the interest awarded by the Labour Court by an order 22.04.2014 in Computation Petition No.52 of 2011 and accordingly, the same is set aside



and reduces the computed value of money to a sum of Rs.1,00,000/- (Rupees One Lakh only), which will be the full and final settlement of the Computation Petition. The said amount shall be paid to the 1st Respondent/employee within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is ordered accordingly. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Presiding Officer,
Labour Court,
Salem (PO) & District.

+1cc to M/s.P.Anbarasan, Advocate, S.R.No.37336

W.P.No.7296 of 2015

KSM(CO)
RGA(27/09/2021)