



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.13995 of 2011

and

M.P. (MD) .Nos.1 and 2 of 2011

The Management,  
Madurai District Pandian Consumers  
Co-operative Wholesale Stores Limited,  
Madurai.

... Petitioner

Vs.

1.The Presiding Officer,  
Labour Court,  
Madurai.

2.T.Paramasivam

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the impugned order passed by the first respondent in C.P.No.32 of 2004, dated 15.03.2020 and quash the same.

For Petitioner : Mr.R.Saravanan  
For R2 : Mrs.D.Geetha

### O R D E R

This writ petition has been filed challenging the impugned order passed by the first respondent in C.P.No.32 of 2004, dated 15.03.2020 and to quash the same.

2. The case of the petitioner is that the petitioner is the Co-operative Institution registered under the Tamil Nadu Co-operative Societies Act, 1983. The second respondent was working as Assistant Salesman in the petitioner Society. During his tenure, he committed misconduct and misappropriation. Hence, a departmental proceeding was initiated against the second respondent workman. Thereafter, a domestic enquiry was conducted and the second respondent was terminated from service on 20.08.1990. Aggrieved by the said order of termination, the second respondent has raised an industrial dispute before the Labour Court, Madurai in I.D.No.427 of 1991. On 11.10.1996, the Labour Court has passed an award, directing the petitioner Management to reinstate the second respondent with back wages. However, challenging the award, the petitioner Management has a filed a writ petition before this Court in W.P.No.5859 of 1999 and

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in the Labour Court, Madurai. Accordingly, the petitioner Management has deposited the said amount before the Labour Court, by means of back wages. Thereafter, the writ petition was dismissed on 13.10.2003. After dismissal of the writ petition, the second respondent workman filed a claim petition in C.P.No.32 of 2004 under Section 33(c)2 of the Industrial Disputes Act, before the Labour Court, Madurai, to execute the award passed in I.D.No.427 of 1991. The said claim petition was allowed on 15.03.2020, without deducting the amount, which was deposited by the petitioner Management, as per the direction of this Court in W.P.No.5859 of 1999. On the sole ground, the present writ petition has been filed by the petitioner Management.

3. The learned counsel appearing for the second respondent would fairly submit that this Court may issue a direction to the petitioner Management, after deducting Rs.50,000/-, which was already deposited before the Labour Court, to pay the balance amount, as awarded by the Labour Court in C.P.No.32 of 2004.

4. In view of the above, this Court directs the petitioner Management to deposit the award amount within a period of twelve weeks from the date of receipt of a copy of this order, after deducting Rs.50,000/-, if deposited already and the second respondent is at liberty to withdraw the award amount.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Presiding Officer,  
Labour Court,  
Madurai.

WEB COPY

+1 CC to M/s.R.SARAVANAN, Advocate ( SR-8535[F] dated 03/03/2021 )

**Writ Petition (MD)No.13995 of 2011**

**03.03.2021**

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