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W.P.(MD)No.18230 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.18230 of 2015

and

M.P. (MD)No.1 of 2015

1. The Management,
Tamil Nadu Transport Corporation Ltd.,
Madurai - 10.
2. The Provident Fund Trust Committee,
Tamil Nadu Transport Corporation Ltd.,
Madurai - 10 through its Executive Trustee. ... Petitioners

vs..

1. Presiding Officer,
Labour Court, Madurai.
2. P.Eswaran
3. The Commissioner,
Provident Fund Officem Chokkikulam,
Lady Doak College Road, Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records in C.P.No.30/2013, dated 20.05.2014 on the file of the first respondent and quash the same.

For Petitioners: Mr.A.Jeyaram

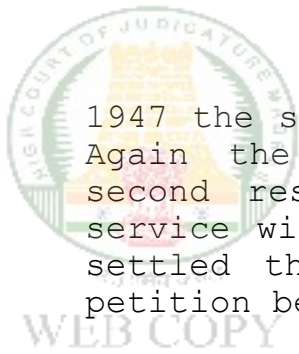
For R-1 : Labour Court
For R-2 : No appearance
For R-3 : Mr.A.John Xavier

O R D E R

This Writ Petition is filed by the Tamil Nadu State Transport Corporation Ltd., against the award passed in C.P.No.30/2013, dated 20.05.2014.

2. The breif facts are that the second respondent has worked as a Conductor in the petitioner Transport Corporation and was dismissed from service on 21.01.1991 and subsequently by entering into settlement under Section 18(1) of the Industrial Dispute Act-

<https://hcservices.ecourts.gov.in/hcservices/>



1947 the second respondent was reinstated in service on 03.09.1993. Again the petitioner initiated disciplinary action against the second respondent and the second respondent was dismissed from service with effect from 10.11.2000. Since the petitioner has not settled the Provident fund, the second respondent has filed the petition before the Labour Court for issuing the said amount.

3. The Labour Court has taken note of the fact that the second respondent has settled Rs.34,278/- (Rupees Thirty Four Thousand Two Hundred and Seventy Eight only) and the 2nd petitioner ought to repay the loan amount to the tune of Rs.14,772/- (Rupees Fourteen Thousand Seven Hundred and Seventy Two only) and the balance payable is Rs.19,777/- (Rupees Nineteen Thousand Seven Hundred and Seventy Seven only). The petitioner Corporation has paid the balance amount of Rs.19,777/- (Rupees Nineteen Thousand Seven Hundred and Seventy Seven only) through Indian Overseas Bank Cheque Nos.313699 and 313700, dated 14.05.2013. But the 2nd respondent refused to receive the cheque and the said cheques were returned back by the second respondent and the said amounts were credited into the EPF Trust Account. The Labour Court has directed the petitioner to pay Rs.19,777/- (Rupees Nineteen Thousand Seven Hundred and Seventy Seven only) along with the interest at the rate of 8.5% per annum from 14.05.2013 till this date, thereafter, at 6% per annum till payment. Aggrieved over the same, the Management has preferred this writ petition.

4. The notice was issued to the second respondent and his name is printed, but he is not represented by any Counsel. The third respondent, who is the Commissioner is represented by Mr. John Xavier. The third respondent has filed a counter affidavit stating that he is not a necessary party at all, since the State Transport Corporation is having their own Trust.

5. Heard Mr. A. Jeyaram, learned Counsel appearing for the petitioners and Mr. A. John Xavier, learned Counsel appearing for the third respondent.

6. The petitioner Corporation has filed this writ petition on the sole ground that inspite of payment made to the second respondent, the Labour Court has imposed interest for the payment. The writ petitioner Corporation has already paid Rs.19,777/- (Rupees Nineteen Thousand Seven Hundred and Seventy Seven only) through Cheque Nos.313699 and 313700, dated 14.05.2013. When the writ petitioner has paid the amount as early as 14.05.2013 itself, there is no need to pay any interest. Inspite of the Corporation issued cheque, the second respondent refused to receive it. Now the amount is with the second petitioner Trust.

7. Therefore, this Court is passing the following order:

- i. That the first petitioner need not pay any interest as



ii. Since the 2nd respondent has refused the amount of Rs.19,777/- (Rupees Nineteen Thousand Seven Hundred and Seventy Seven only), the first petitioner shall remit the said amount to the second petitioner with immediate effect.

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iii. The second petitioner Trust shall keep it in the Trust and interest shall be levied as applicable as per the Provident Fund Trust rules.

iv. Whenever, the second respondent makes claim, the second petitioner Trust shall pay the amount along with the interest as applicable with EPF Trust in the Tamil Nadu State Transport Corporation.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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

1. Presiding Officer,
Labour Court, Madurai.
2. The Commissioner,
Provident Fund Officem Chokkikulam,
Lady Doak College Road, Madurai.

+1 CC to M/s.A.JEYARAM, Advocate (SR-37623[F] dated 07/12/2021)

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RD(12.01.2022) 3P 4C