



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11495 of 2013

S.K.Marappan

...Petitioner

-Vs-

1.The Presiding Officer,
Labour Court, Salem.

2.S 351 Tiruchengode Agricultural
Producers Cooperative Marketing
Society Ltd.,
Rep. by its Special Officer,
Post Book No.26,
Tiruchengode - 637 211,
Namakkal District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the award dated 12.12.2012 made in C.P.No.70 of 2009 on the file of the Labour Court, Salem, quash the same and consequently direct the 2nd respondent to disburse the leave salary of Rs.75,217/- with 12% interest from 01.02.2005.

For Petitioner : Mr.N.Manokaran

For R2 : Mr.L.P.Shanmugasundaram

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. Since an Industrial Dispute in I.D.No.233 of 1999 relating to determination of seniority was pending, the petitioner was promoted as an Assistant Secretary subject to the result of the Industrial Dispute, pending before the Labour Court, Salem. A sum of Rs.75,217/- payable towards leave wages, was withheld, pending the Industrial Dispute. The petitioner had executed an indemnity bond, stating that if the promotion granted to him is set aside by the Labour Court, the financial benefits applicable to the petitioner would be recovered. The Labour Court had now rejected the claim petition filed by the petitioner under Section 33C(2) of the Industrial Disputes Act,



through the impugned Award dated 12.12.2012, which is put under challenge in the present writ petition.

3. Strictly speaking, the disputed claim cannot be gone into by the Labour Court under Section 33C(2) and therefore, the Award may not require interference. However, pending the writ petition, there has been other developments, whereby the dispute revolving around the seniority list, which was the subject matter of I.D.No.233 of 1999, came to be amicably resolved among the parties and this Court, by an order dated 04.03.2021 passed in W.P.No.19632 of 2015, had recorded the settlement arrived between the parties in connection with the subject matter of the dispute in I.D.No.233 of 1999. Since the dispute itself has now been amicably settled, the second respondent Society will not be subjected to any financial loss, owing the Industrial Dispute. As such, the petitioner would be entitled for the claim made by him in C.P.No.70 of 2009.

4. In the light of the above observations, there shall be a direction to the second respondent to forthwith disburse the sum of Rs.75,217/- to the petitioner herein, within a period of two (2) weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands ordered. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

hvk

To

1.The Presiding Officer,
Labour Court, Salem.

2.The Special Officer,
S 351 Tiruchengode Agricultural
Producers Cooperative Marketing
Society Ltd.,
Post Book No.26,
Tiruchengode - 637 211,
Namakkal District.

+1 CC to Mr.N.Manokaran, Advocate sr 12933.

W.P.No.11495 of 2013

MT(CO)

SP(17/03/2022)