



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.1192 OF 2014
AND M.P.NO.1 OF 2014

The Management,
Tamil Nadu Civil Supplies Corporation Ltd.,
Regional Office, Mannargudi Road,
Tiruvarur.

... Petitioner

Vs.

1. V.R.Thiyagarajan
2. The Labour Court,
Cuddalore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the order made in C.P.No.103 of 2005 dated 24.01.2013 on the file of the second respondent/Labour Court, Cuddalore and quash the same.

For Petitioner : Mr.C.Munusamy

For Respondents: M/s.G.P.Arivuchudar [R1]
for M/s.Law Square
R2- Court

O R D E R

The first respondent was employed as a permanent employee under the petitioner/Corporation between 03.04.1987 till 31.03.2004, on which date, he retired from service under the Voluntary Retirement Scheme. The first respondent's retirement benefits were withheld stating that there was a short Out-Turn amount of Rs.1,47,485.45, apart from the other deductions. Claiming the retirement benefits, the first respondent herein, has filed an application under Section 33-C(2) of the Industrial Disputes Act, 1947 and by an order dated 24.01.2013, the Labour Court computed the first respondent's claim at Rs.1,47,485.45, which amount was denied by the petitioner/Corporation, as short Out-Turn amount.



2. The short Out-Turn deficits are not directly attributable to the concerned employee. It is on this basis, the Labour Court had passed the order while computing the first respondent's claim. I do not find any infirmity in such a finding. As such, the Labour Court had correctly computed the amount by computing short Out-Turn amount as eligible amount towards the first respondent's gratuity.

3. It is now brought to the notice of this Court that the petitioner/Corporation has also taken up a policy decision through the letter of the Managing Director, Tamil Nadu Civil Supplies Corporation Ltd., dated 21.02.2020, whereby, it was ordered that the recoveries made towards short Out-Turn for the period between April, 1985 to March, 1998, be refunded. It was further stated in the said letter that if any recovery action during the above period is under consideration, the same may be dropped. In view of this decision taken by the petitioner/Corporation through the letter dated 21.02.2020 also, this Court is of the view that no interference would be required to the impugned order passed by the Labour Court.

4. Accordingly, the Writ Petition stands dismissed. In view of the dismissal of the petition, the petitioner/Corporation is directed to forthwith pay the short Out-Turn amount of Rs.1,47,485.45, as ordered by the Labour Court in C.P.No.103 of 2005 dated 24.01.2013, within a period of four weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Labour Court,
Cuddalore.

+1cc to M/s.Law Square, Advocate, S.R.No.21860

W.P.No.1192 of 2014

MT(CO)
PM/20/04/2022