



W.P.No.16096 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.16096 of 2004

1.V.Jayaraj (Deceased)

2.Kamini

3.J.Ram Manohar

(P2 & P3 substituted as legal heirs of deceased sole petitioner vide order dated 05.04.2022 in W.M.P.No.7328 of 2022)

... Petitioners

Vs.

1.The Presiding Officer,
Principal Labour Court,
Cuddalore.

2.The Management,
Thanjavur District Co-operative
Milk Producers' Union Limited,
Thanjavur – 6.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, calling for the records in the award dated 03.07.2003 made in I.D.No.188 of 1993 on the file of the Labour Court, Cuddalore viz., the first respondent and to quash the said award.

For Petitioners : Mr.Thirugnanam

For Respondent 1 : Court



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For Respondent 2 : Mr.P.Anbarasan

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ORDER

The case of the petitioner is that the petitioner viz., V.Jayaraj was appointed as Clerk under the second respondent on 25.10.1969 and his last drawn salary was Rs.1750/- per month. This being so nine charges were framed against the petitioner by the second respondent and a show cause notice was issued to the petitioner and for the said show cause notice, the petitioner has submitted his explanation. Thereafter enquiry proceedings was initiated against him and the enquiry officer has held that among nine charges, two charges have been proved against the petitioner viz., he has failed to hand over the cash receipt book with receipt No.28801 to 29000 meant for collecting the milk sale proceeds and the amount of Rs.9,047.26/- was not at all remitted. Based on the findings of the enquiry officer, the petitioner was dismissed from service on 30.06.1993 by the second respondent.

1.1. Aggrieved over the said order of dismissal dated 30.06.1993, the petitioner has filed an Industrial Dispute in I.D.No.188 of 1993 before the first respondent /Labour Court, Cuddalore, praying to set aside the order dated



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30.06.1993 and reinstate the petitioner in service with backwages and other attendant benefits. However, the first respondent passed an order dated 03.07.2003, dismissed the I.D.No.188 of 1993. Challenging the order dated 03.07.2003, the petitioner has filed this writ petition. During the pendency of this writ petition the petitioner viz., V.Jayaraj had died. Subsequent to the death of first petitioner his legal representatives viz., his wife Mrs.Kamini and son J.Ram Manohar were impleaded as petitioners 2 & 3 in this writ petition.

2. When the matter was taken up for hearing the learned counsel for the petitioner submitted that the petitioner is ready to pay the amount of Rs.9,047.26/- with 6% interest from 07.09.1989 (date of non remittance of amount) to 10.01.2004 (date of superannuation) to the second respondent management and further submitted that this Court may direct the second respondent to settle back the petitioner's terminal benefits after deducting the aforesaid sum with interest.

3. The learned counsel appearing for the second respondent submitted that this Court may permit the second respondent to settle the terminal benefits



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to the petitioner in two installments, after deducting the sum of Rs.9,047.26/- with 6% interest from 07.09.1989 to 10.01.2004.

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4. Heard the learned counsel on either side and perused the material documents available on record.

5. It is not in dispute that the petitioner has worked as a Clerk under the second respondent management and his last drawn salary was Rs.1750/- per month and he was terminated on 30.06.1993. It is pertinent to note that the petitioner has misappropriated Rs.9,047.26/- from the second respondent management and the petitioner is also ready to pay the aforesaid sum with interest of 6%.

6. The petitioner's last drawn salary is Rs.1750/- per month and the terminal benefits payable to the petitioner was calculated as Rs.2,40,000/- for 11 years i.e., from 01.10.1993 (date of filing the Industrial Dispute) to 10.01.2004 (date of superannuation). Hence, the second respondent is directed to deduct a sum of Rs.9,047.26/- with 6% interest for the period 07.09.1989 to



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10.01.2004 from the terminal benefits payable to the petitioner and settle the balance amount.

7. As submitted by the learned counsel appearing for the second respondent, this Court permits and directs the second respondent to settle the balance amount of terminal benefits to the petitioner in two installments i.e., the first installment of sum of Rs.1,00,000/- has to be paid on or before 06.10.2022 and the remaining amount has to be paid by way of second installment on or before 07.11.2022 after deducting the sum of Rs.9,047.26/- with 6% interest.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

02.09.2022

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Index : Yes/No

Speaking Order : Yes/No



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To:

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- 1.The Presiding Officer,
Prinicipal Labour Court,
Cuddalore.
- 2.The Management,
Thanjavur District Co-operative
Milk Producers' Union Limited,
Thanjavur – 6.

J.SATHYA NARAYANA PRASAD,J.

Vm

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