



W.P.(MD)No.12010 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.12010 of 2013

and

M.P.(MD)No.1 of 2013

The Management,
Primary Agricultural Co-operative Bank,
Kottapatti,
Now called as
DD-555-Kottapatti Primary Agricultural
Co-operative Credit Society,
Through its Secretary P.M.Murugan,
Kottapatti Post,
Dindigul Town and District.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
District Court Campus,
Trichy Post and District.
2. The Deputy Registrar of Co-operative Societies,
Palani Road,
Dindigul Post and District.

Arockiadass (died)
S/o.Arockiam



W.P.(MD)No.12010 of 2013

WEB COPY

3. Amalorpavamary

4. Tamilselvan

5. Anthony Xevior

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for records pursuant to the impugned order passed by the first respondent in C.P.No.276 of 2004 dated 13.09.2012 and quash the same.

For Petitioner	:	Mr.C.G.Pethanaraj
For Respondents	:	Mr.T.Lajapathi Roy for R3 to R5 No appearance for R1 and R2

O R D E R

The impugned order passed by the first respondent in C.P.No.276 of 2004 dated 13.09.2012 is under challenge in the present Writ Petition.

2. It is the submission of the learned counsel for the petitioner that while disposing the Writ Petitions in W.P.(MD)Nos.36657 of 2003 and 307 of 2004, this Court has passed the following order:



WEB COPY



W.P.(MD)No.12010 of 2013

“15. During the pendency of the writ petition, the workman was restored to service and the grievance of the workman was that he was paid only daily wages whereas he should have been paid wages on par with the other workman. There is a justification in the said statement. Therefore, a direction is issued to the Management to pay the backwages from the date he joined duty till the death of the workman. The wages payable to the workman shall be on par with the other workman, after giving adjustment to the amounts which were already paid by way of daily wages. This exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.”

3. It is seen from the above order passed by this Court that there was a direction to the Management to pay the backwages from the date he joined the duty till the death of workman. The wages payable to the workman shall be on par with the other workmen, after giving adjustment to the amounts which were already paid by way of daily wages. However, the Labour Court, in the claim petition filed by the legal heirs of the employee namely Arockiadoss, has ordered payment of backwages from the date of award till the date of death, which is contrary to the order of this Court in



W.P.(MD)No.12010 of 2013

W.P.(MD)Nos.36657 of 2003 and 307 of 2004 Therefore, this Writ Petition has been filed.

4. In response, the learned counsel for the respondents 3 to 5 submitted that W.P.(MD)No.36657 of 2003 was filed challenging the order passed in I.D.No.369 of 1995 by the Labour Court, to quash the same insofar as it relates to denial of payment of backwages to the deceased Arokiadoss and direct the first respondent to pay the backwages to the petitioners therein with effect from 28.06.1993. Further, W.P.(MD)No.307 of 2004 was filed by the Management challenging the order passed in I.D.No.369 of 1995 by the Labour Court.

5. It is further submitted by the learned counsel for the respondents 3 to 5 that in paragraph 14 of the order passed in W.P(MD).Nos.36657 of 2003 and 307 of 2004, this Court has observed that there is no necessity to interfere with the award impugned and dismissed the petitions. It goes without saying that the backwages is to be paid to the



W.P.(MD)No.12010 of 2013

deceased Arokiadoss from the date he joined duty till his death. He further submitted that the deceased was not paid the backwages on par with the other workmen, but he was paid daily wages. Hence, he prays for dismissal of this petition.

6. This Court considered the rival submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

7. It is seen from the order passed by this Court in W.P(MD).Nos. 36657 of 2003 and 307 of 2004 that the workman has challenged the award on the ground that he was denied the relief of backwages and the management has challenged the entire award. In the said order, this Court has observed that there is no necessity to interfere with the award impugned and dismissed both the Writ Petitions. While coming to the grant of backwages, this Court consciously reiterated the period of backwages (i.e.,) from the date of deceased joining the duty till his death.



W.P.(MD)No.12010 of 2013

WEB COPY

8. Therefore, in the light of finding of this Court, the order passed by the Labour Court to award backwages to the deceased Arokiadoss from the date of the order till the date of his death is not correct. Therefore, part of the order alone is set aside and the respondents 3 to 5 are entitled for backwages payable to the deceased Arokiadoss from the date he joined duty till the date of his death on par with the other workman.

9. It is submitted by the learned counsel for the petitioner that the award as ordered in W.P.(MD)Nos.36657 of 2003 and 307 of 2004 was paid to the legal heirs of the deceased Arokiadoss, i.e., respondents 3 to 5. If so paid, this Court is of the view that no further order is required. However, if the amount is not paid as directed by this Court in W.P.(MD)Nos.36657 of 2003 and 307 of 2004, the petitioner is directed to pay the amount within a period of three months from the date of receipt of a copy of this order.



W.P.(MD)No.12010 of 2013

WEB COPY

10. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

22.06.2022

Index : Yes / No

Speaking Order : Yes / No

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To

1. The Presiding Officer,
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Trichy Post and District.
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W.P.(MD)No.12010 of 2013

G.CHANDRASEKHARAN, J.

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