



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P(MD)Nos.16590 & 16592 of 2012

and

M.P(MD)Nos.1, 1 of 2012 & 1, 1 & 2 of 2013

WEB COPY

The Management,
A-2929, Periyapatti Primary Agricultural
Co-operative Society,
Now called as
A-2929, Periyapatti Primary Agricultural
Co-operative Credit Society,
Through its Special Officer,
Kanjarampettai Post,
Madurai District. ... Petitioner in both W.Ps'

Vs

- 1.The Presiding Officer,
Labour Court, District Court Campus,
Madurai - 20.
- 2.A.Radhakrishnan
- 3.The Management,
A 1235, Madurai Taluk Agricultural Procedures
Co-operative Marketing Society,
Vishvahapuri,
Gnanaolipuram,
Madurai. ... Respondents in both W.Ps'

COMMON PRAYER: Writ Petitions are filed under Article 226 of Constitution of India, praying to issue Writs of Certiorari, to call for the records of the first respondent in I.D.No.35 of 2004 and C.P.No. 122 of 2010 and quash the award, dated 15.06.2010 and 28.06.2012 respectively passed therein.

For Petitioner : Mr.T.Ravichandran
(In both W.Ps')
For R - 2 : Mr.T.Balasubramaniam
(In both W.Ps')

COMMON ORDER

These Writ Petitions are filed seeking for issuance of Writs of Certiorari, to quash the award passed by the first respondent in I.D.No.35 of 2004 and C.P.No.122 of 2010, dated 15.06.2010 and 28.06.2012 respectively.



2. Learned counsel appearing for the petitioner / Management submitted that the second respondent filed a petition in I.D.No.35 of 2004 on the file of the Labour Court, Madurai, seeking employment with the consequential prayer of backwages and other attendant benefits. The Labour Court, after considering the contention of the rival parties, found that the second respondent is entitled for reinstatement with 50% backwages, continuity of service and other attendant benefits admissible under law. Subsequently, the second respondent filed a claim petition in C.P.No.121 of 2020 on the file of the Labour Court, Madurai and it was ordered in the claim petition that the petitioner should pay a sum of Rs.2,22,058/- to the second respondent within a period of three months from the date of receipt of that order. Challenging these orders, these Writ Petitions are filed.

3. Learned counsel appearing for the petitioner further submitted that during the enquiry in claim petition, the second respondent has not produced any material to show, what is his last drawn salary and therefore fixing the amount at Rs.2,22,058/- is not correct. Therefore, these petitions are filed.

4. Per contra, learned counsel appearing for the second respondent submitted that the order passed in I.D.No.35 of 2004 was not challenged and therefore that has become final. The Labour Court, on going through the materials produced, rightly ordered payment of Rs.2,22,058/- to the second respondent in C.P.No.122 of 2020 and therefore, there is no need for any interference.

5. Considered the rival submissions and perused the records.

6. Perusal of the records shows that the second respondent raised an industrial dispute with regard to his non-employment in I.D.No.35 of 2004. That petition was allowed, as indicated above with an order to reinstate him either by the petitioner / Management or by the third respondent with 50% backwages, continuity of service and other attendant benefits. Admittedly, there is no Writ Petition filed against the order passed in I.D.No.35 of 2004 and that has become final. The second respondent filed C.P.No.122 of 2010 for computation of his monetary entitlement. After full-fledged enquiry, the Labour Court directed the respondents therein to pay a sum of Rs.2,22,058/- to the second respondent herein.

7. On a reading of the order passed by the Labour Court, this Court finds that the learned Labour Judge had taken into consideration the non-payment of wages and leave salary, non-production of records by the petitioner to arrive at this amount. When there was no challenge made against the order passed in I.D.No.35 of 2004, the present Writ Petitions challenging the order passed in I.D.No.35 of 2004 and in C.P.No.122 of 2010 cannot be entertained and thus, this Court finds that there is no merit in the submissions and the same are liable to be dismissed.



Accordingly, these Writ Petitions are dismissed. The petitioner is directed to pay the amount as ordered in C.P.No.122 of 2010 to the second respondent within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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

The Presiding Officer,
Labour Court, District Court Campus,
Madurai - 20.

Order made in
W.P(MD)Nos.16590 & 16592 of 2012
20.06.2022

kg (CO)

GC(29.06.2022) 3P 2C