



W.P.(MD)No.8610 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.10.2022
CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.8610 of 2012
and
M.P(MD).Nos.2 & 3 of 2012

Bangalapatti Adi Dravidar Brick
Workers Industrial Co-operative Societies,
Rep.by its Authorised Officer,
R.Seenivasan,
S/o.PL.Ramaiah,
No.278, Cumbum Road,
Theni-1.

... Petitioner

Vs.

1. Authority under the Payment of Wages Act,
(The Deputy Labour Commissioner)
Madurai.

2.R.Seeniyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the Impugned Orders in Case No.PW1A 4/2011 (Interim petition for condonation of delay and P.W1A 1/2012 (Maintainability of the petitioner) dated 30.03.2012 on the file of



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the respondent No.1 and quash both as illegal since the respondent No.1.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Ms.D.Farjana Ghoushia
Spl.Govt.Pleader for R1

ORDER

The petitioner has filed this writ petition challenging the order passed by the first respondent in Case Nos. PW1A 4/2011 (Interim petition for condonation of delay and P.W1A 1/2012 (Maintainability of the petitioner) dated 30.03.2012.

2. The brief fact of the case is that the second respondent was an employer of the petitioner society, which society is under Liquidation.

3. The learned counsel appearing for the petitioner submitted that the wages that was claimed by the second respondent was already paid. Challenge in the present writ petition is only for interest. Further, he would submit that since the society itself under liquidation, payment of interest will not arise. Moreover, the second respondent has claimed three times the wages, which has also been paid. Hence, the learned counsel for the petitioner prays to allow the writ petition.



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4. It is now, brought to the notice of this Court that the second respondent died. The petitioner is an official liquidator and hence, he is not aware of the legal heirs of the second respondent.

5. Therefore, this Court is of the considered opinion that since the wages of the second respondent have already been paid, the claim for interest cannot be entertained, more so, when the petitioner society is under liquidation.

6. With the above observations, this writ petition is allowed and order passed by the first respondent is set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

10.10.2022

Index : Yes / No

Internet : Yes

sbn

To

1. Authority under the Payment of Wages Act,
(The Deputy Labour Commissioner)
Madurai.

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S.SRIMATHY, J

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Order made in
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10.10.2022