

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18018 of 2022

A.V.Srinivasan

... Petitioner

Vs

1.The Joint Commissioner of Labour,
Bharathi Ula Salai,
Race Course Road,
Madurai – 2.

2.The Madurai District Pandian Consumer
Whole Sale Stores Ltd.,
Madurai Rep. by its Secretary,
Mudakkusali, Theni Road,
Madurai – 16.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 28.10.2020 requesting the 1st respondent to pay the amount Rs.10,000/- with accrued interest which is in deposit as per the order passed in W.M.P.No.1547/1997 and 1458/1997 in W.P.No.14166/1996.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : Mr.J.K.Jayaseelan,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.It is seen that the writ petitioner was appointed as sales man in the second respondent society in the year 1976. He was suspended from service in 1994 and dismissed on 31.03.1995. Questioning the same, the petitioner filed TNSC No.3 of 1995 before the first respondent. The dismissal order was set aside on 17.05.1996. The petitioner sought reinstatement but the second respondent did not do so. Instead, the second respondent filed W.P.No.14166 of 1996 questioning the order dated 17.05.1996 in TNSE No.3 of 1995. In the meanwhile, the petitioner also filed claim petition No.66 of 1996 before the Labour Court, Madurai. On 19.03.2004, the writ petition filed by the management was dismissed. During the pendency of the writ petition, the petitioner came to be reinstated in the year 1997. On 30.11.2005, he retired from service. C.P.No.66 of 1996 filed by the petitioner was disposed on 11.11.2009. and the Labour Court, Madurai directed the management to deposit a sum of Rs.42,977/- to the account of the writ petitioner. This amount was arrived at after deducting a sum of Rs.10,000/- which was ordered to be deposited by the High Court in W.P.No.14166 of 1996. In other words, the dues payable to writ petitioner were quantified at Rs.52,977/- but since a sum

of Rs.10,000/- was already remaining to the credit of the writ petitioner with the first respondent, the liability of the second respondent was reduced.

3.All that the petitioner wants is payment of the said amount of Rs.10,000/- with accrued interest. The writ petition was taken for admission on 11.08.2022 and posted for orders on 25.08.2022. It was adjourned to 06.09.2022. Since the respondents sought time, the case was posted today. Today ie., 08.09.2022, an official from the second respondent is present. The learned Government Advocate submitted that the first respondent is not in a position to furnish the relevant details. The respondents may have some difficulty but that cannot work to the disadvantage of the writ petitioner. I am more than satisfied that a sum of Rs.10,000/- was deposited for the benefit of the writ petitioner before the first respondent. This was done way back in the year 1996. Obviously the petitioner is entitled to payment of the said amount with interest. I therefore direct the first respondent to pay a sum of Rs.10,000/- with accrued interest to the writ petitioner within a period of six weeks from the date of receipt of a copy of this order.

4.The writ petition is allowed accordingly. No costs.

08.09.2022

Index : Yes / No
Internet : Yes/ No
ias

G.R.SWAMINATHAN, J.

ias

To:

- 1.The Joint Commissioner of Labour,
Bharathi Ula Salai,
Race Course Road,
Madurai – 2.
- 2.The Secretary,
Madurai District Pandian Consumer
Whole Sale Stores Ltd.,
Mudakkusali, Theni Road,
Madurai – 16.

W.P(MD)No.18018 of 2022

08.09.2022