



W.P.No.5438 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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

Writ Petition No.5438 of 2006
and W.P.M.P.No.27 of 2015
and W.M.P.No.32272 of 2016

M.Palanisamy

... Petitioner

Vs.

1.The Special Officer,
S.No.1443, Naaraikinar – Primary Agricultural
Co-op. Bank, Naaraikinar Post,
Rasipuram Taluk, Namakkal District.

2.The Presiding Officer,
Labour Court, Salem.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent herein pertaining to I.D.No.127 of 2002, dated 15.12.2003, quash that portion of the award denying backwages and to direct the first respondent herein to grant backwages from the date of suspension to



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the date of reinstatement.

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For Petitioner : Mr.Ganesh.R
For Respondent 1 : Mr.T.Arun,
Additional Government Pleader
For Respondent 2 : Court

ORDER

The relief sought by the petitioner in this writ petition is to call for the records of the second respondent herein pertaining to I.D.No.127 of 2002, dated 15.12.2003, quash that portion of the award denying backwages and to direct the first respondent herein to grant backwages from the date of suspension to the date of reinstatement.

2. Facts of the case in a nutshell:

The petitioner viz., M.Palanisamy was worked as fertilizer salesman in the first respondent/Bank from 01.08.1977 and he was issued with a order of suspension dated 11.04.1996 alleging that along with his wife, he scolded a saleswoman viz., Tamilselvi by using abusive language and caste name. Subsequently, a charge memo dated 15.07.1996 was issued



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and enquiry was conducted. Thereafter, the petitioner was dismissed from service on 28.10.1996. Aggrieved over the said dismissal, the petitioner raised an Industrial Dispute in I.D.No.127 of 2002, before the second respondent/Labour Court by challenging the enquiry and claimed reinstatement with continuity of service with backwages and other consequential benefits. However, the second respondent/Labour Court in its order dated 15.12.2003 in I.D.No.127 of 2002, awarded reinstatement with continuity of service without backwages. Challenging the said award dated 15.12.2003, the petitioner has come forward with the present writ petition.

3. When the matter was taken up for hearing, learned Additional Government Pleader appearing for the first respondent/Bank submitted that the second respondent/Labour Court in I.D.No.127 of 2002 dated 15.12.2003, awarded reinstatement and other benefits without backwages to the petitioner/workman and in order to comply the same, he has submitted a Demand Draft dated 09.02.2023 bearing D.D.No.000132, drawn on the Salem District Central Co-operative Bank Limited for a sum of Rs.37,435/- (Rupees Thirty Seven Thousand Four Hundred and Thirty Five only),



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towards full and final settlement of the benefits, which were due to the petitioner/workman.

4. Learned counsel for the petitioner submitted that the second respondent/Labour Court in I.D.No.127 of 2002 dated 15.12.2003, awarded reinstatement and benefits without backwages to the petitioner/workman, against which, the first respondent/Bank has preferred a writ petition in W.P.No.17607 of 2004, which is pending before this Court. Subsequently, challenging the said award, the petitioner has also filed a present writ petition, which was dismissed for default on 01.04.2019, however, during the pendency of the present writ petition, the petitioner/workman died on 11.11.2011.

5. Learned counsel for the petitioner further submitted that the benefits to the petitioner/workman ought to have been paid on 15.12.2003, however, the first respondent/Bank has settled the benefits only today. Hence, he submitted that the petitioner is entitled for an interest at the rate of 6% per



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annum for the period from 15.12.2003 to 11.11.2011 (Date of Lower Court award to Demise of the petitioner), which is a sum of Rs.17,968/-.

6. Learned Additional Government Pleader appearing for the first respondent has vehemently opposed for awarding interest to the petitioner/workman on the ground that the first respondent/Bank has already facing the financial crises and the Bank is not in a position to pay any interest to the petitioner/workman.

7. Taking into consideration the facts and circumstances and the submission made by the learned counsel on either side, the first respondent/Bank is directed to settle the interest amount to a sum of Rs.17,968/- to the petitioner/workman, within a period of four weeks from the date of receipt of a copy of the order.

8. With the aforesaid direction, this writ petition is dispose of. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes/No

Speaking Order : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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