



W.P.No.35996 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

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

Writ Petition No.35996 of 2005
and
W.P.M.P.No.38813 of 2005

The Managing Director,
Sangakiri Co-operative Stores,
New Edappadi Road,
Sangagiri – 637 301,
Salem District.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Salem.

2.V.Govindaraj

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records in pursuant to the order dated 25.11.2004 passed in C.P.No.272 of 2003 on the file of the Labour Court, Salem and quash the same.

For Petitioner : Mr.Pream Narayanan

For Respondent 1 : Court



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For Respondent 2 : Mr.R.Md.Nazrullah

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ORDER

The relief sought by the petitioner in this writ petition is to call for the records in pursuant to the order dated 25.11.2004 passed in C.P.No.272 of 2003 on the file of the Labour Court, Salem and quash the same.

2. The case of the petitioner is that the second respondent was worked as the salesman in the petitioner's society and based on the proved charges, he was terminated from service. Challenging the order of termination, the second respondent filed I.D.No.123 of 1999, before the Labour Court and the same was allowed. Accordingly, the second respondent was reinstated in service without backwages. Thereafter, the second respondent filed C.P.No.272 of 2003, before the first respondent/Labour Court and the same was allowed on 25.11.2004 and directed the petitioner society to pay a sum of Rs.1,11,580/- to the second respondent. Challenging the order of the first respondent/Labour Court passed in C.P.No.270 of 2003 dated 25.11.2004, the present writ petition has been filed.



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3. When the matter was taken up for hearing, learned counsel for the petitioner society would submit that the second respondent workman died on 22.07.2016 and in regard to the same, he has produced a copy of the death certificate dated 23.07.2016 issued by the competent authority. Further, he has also submitted a copy of the legal heir certificate dated 02.11.2016, which shows that one Mrs.Thavamani, who is the mother of the deceased workman is the only legal heir.

4. Learned counsel for the petitioner society further submitted that the first respondent/Labour Court in its award dated 25.11.2004 made in C.P.No.272 of 2004, directed the petitioner society to pay a sum of Rs.1,11,580/- to the second respondent. In order to comply the same, the petitioner society has deposited a sum of Rs.55,780/- (50% of the total amount i.e., Rs.1,11,580/-) to the credit of Presiding Officer, Labour Court, Salem in C.P.No.272 of 2003. However, the aforesaid 50% of the amount was also not withdrawn by the workman, till date.



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5. Moreover, learned counsel for the petitioner society brought to the knowledge of this Court that the President of the petitioner's society was taking care of the mother of deceased second respondent and there is no legal heirs to take care of her. During the Covid pandemic, she was infected by covid and shifted to Salem Government Hospital and after that her whereabouts were not known. Hence, he submitted that the total deposited amount of Rs.55,790/- be remitted back to the society, since the second respondent has no other legal heirs to claim the same.

6. Considering the above facts and circumstances of the case, the learned counsel for the petitioner society is directed to file an appropriate application before the first respondent/Labour Court for remitting back to the petitioner's society the 50% of the amount i.e., Rs.55,790/-, which was already deposited to the credit of C.P.No..272 of 2003. On such receipt of the application, first respondent/Labour Court is directed to pass appropriate orders by remitting back the amount stated above to the petitioner society. Further, this Court directs the petitioner society to keep the aforesaid sum of Rs.55,780/- for a period of one year from today upto 09.02.2024, if any legal



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representatives of the deceased workman comes forward to claim the amount, the same may be settled/paid to them after verifying their Identity and other relevant particulars, **if no claims were made, the same shall be given to the State Government sponsored programme called “Namma School Thittam”.**

7. This writ petition is disposed of with the above directions. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No



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J.SATHYA NARAYANA PRASAD,J.

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To:

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