



WEB COPY



W.P.No.18751 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.18751 of 2016

and

W.M.P.Nos.16369 of 2016 & 22710 of 2017

The Management,
S.715, Salem District Consumer
Co-operative Wholesale Stores Ltd.,
Rep. by its Co-operative Sub Registrar/
Secretary, No.9, Seetharaman Salai,
Salem – 636 009.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Salem.

2.R.Balusamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the order passed by the 1st respondent in C.P.No.3 of 2015 dated 02.02.2016 quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.K.V.Shanmuganathan [R2]



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ORDER

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2. The case of the petitioner is that, the second respondent was an employee of the petitioner Society and he filed a claim petition before the first respondent/Labour Court under Section 33(c)(2) of the Industrial Disputes Act, 1947, claiming a sum of Rs.1,48,644/- as differential salary for a period from 01.09.2003 to 31.12.2005. Apart from that, the second respondent also claimed a sum of Rs.2,96,362/- from 2006 to 2008. The Labour Court passed an award directing the petitioner Society to pay the said amounts with 6% interest, failing which, 9% interest. Challenging the same, the above writ petition has been filed before this Court.

3. The learned counsel for the petitioner submits that, between the period from 01.09.2003 to 31.12.2005, the second respondent is entitled for differential pay of Rs.1,48,644/-. However, in respect of the claim between the period from 01.01.2006 to 31.10.2008, no proof was filed before the Trial Court and the said claim was disputed by the petitioner, however, the same was not properly adjudicated by the first respondent/Labour Court by adducing



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evidence. Hence, he prays that, this Court may set aside the second portion of the award. Further, he submits that, the petitioner Society is ready to pay a sum of Rs.1,48,644/- with 6% interest from the date of award to till date. Accordingly, he prays for appropriate orders.

4. On the above contention, this Court, heard the learned counsel appearing for the second respondent and perused the materials available on record.

5. In view of the above submissions, this Court, without interfering with the order impugned, directs the petitioner Society to pay the differential salary amount of Rs.1,48,644/- with 6% interest from the date of award till the date of disbursement, to the second respondent, within a period of four (4) weeks from the date of receipt of a copy of this order. Further, in respect of the second portion of the award, awarding a sum of Rs.2,96,362/- for the period from 01.01.2006 to 31.10.2008 is set aside. However, the second respondent is at liberty to file a fresh claim petition before the Labour Court to establish his right for entitlement of the amount for the period from 01.01.2006 to 31.10.2008 independently.



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M.DHANDAPANI, J.

sp

6. With the above directions, the Writ Petition is disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

06.07.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

The Presiding Officer,
Labour Court,
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W.P.No.18751 of 2016

and

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