



W.P.No.3818 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.3818 of 2015

The Managing Director,
Park Town Cooperative
Whole Sale Stores Ltd.,
G-13, 3, First main road,
Annanagar, Chennai - 600 040.

...Petitioner

Vs

1. The Presiding Officer,
Principal Labour Court,
Chennai - 104.

2. T.Umakanthan

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, calling for the records of the Principal Labour Court, Chennai relating to its order in C.P.No.2 of 2012 dated 24.09.2014 and quash the same.

For petitioner	: Mr.P.Anbarasan
For R1	: Court
For R2	: Ms.Nithya Shree
	For Mr.A.Gnatheswaran

ORDER



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WEB COPY This writ petition is filed seeking to set aside the order passed by the first respondent the Principal Labour Court in C.P.No.2 of 2012 dated 24.09.2014.

2. The facts in brief culled out from the affidavit enclosed in this writ petition are as follows:

2.1. The petitioner's Cooperative Society is a wholesale store engaged in distribution of ration articles in Chennai, through 280 ration shops. The second respondent was working as a packer in the society at Vinayagapuram. The second respondent suffered severe punishment on account of his misconduct and misuse of ration articles. On 12.03.1997 he was charge sheeted and disciplinary enquiry was taken against him. After conclusion of the disciplinary enquiry the charges were proved and the second respondent was dismissed from service on 31.05.1999.

2.2 The second respondent had raised Industrial Dispute. The Principal Labour Court by its award dated 21.09.2005 directed the reinstatement of second respondent with back wage. The petitioner



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society has sent notice to the second respondent to finalize the terms of reinstatement, but there was no response. However, the second respondent has sent a letter only on 12.06.2007 through his advocate seeking information about his reinstatement.

2.3. On 31.07.2007 the petitioner society had sent an order of reinstatement and subsistence allowance was also sanctioned as per the order dated 23.12.1998 of the Assistant Commissioner of Labour. On 01.08.2007 the second respondent joined duty and worked till 30.06.2012. He has again committed misconduct in distribution of Indane gas and, thereby, the petitioner society suffered huge loss of Rs.8,74,577/-. Subsequently, enquiry was conducted which culminated in awarding a punishment of stoppage of increment for three years and loss sustained by him was ordered to be deducted from his retirement benefits.

2.4. The second respondent filed C.P.No.2 of 2012 claiming Rs.5,31,645/- including the salary and allowances for a period from the year 1998 to 2009. The claim was opposed by the petitioner society on the ground that the second respondent was entitled only for Rs.3,39,052/-



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, after deducting Rs.66,594/-. However, the first respondent, Labour Court, has allowed the claim petition directing the petitioner society to pay an amount of Rs.7,71,628.20 on 24.09.2014. Aggrieved by the same the present writ petition is filed.

3. Heard both sides and perused the materials available on record including the written submissions of the second respondent. The petitioner society has raised many aspects connecting to the enquiry in respect of I.D.No.934 of 1999 which was allowed by the Labour Court. As per the orders of the Labour Court, the petitioner society was directed to reinstate the second respondent with back wages and the society has not filed any writ petition challenging the said award passed and hence, the award passed in I.D.No.934 of 1999 dated 21.09.2005 has become final.

4. Basing on the directions in I.D.No.934 of 1999 the second respondent has filed C.P.No.2 of 2012 and the same was allowed directing the petitioner society to pay a sum of Rs.7,71,628.28/-. As already submitted, the petitioner society has no grievances in respect to the award passed in I.D.No.934 of 2009 on 21.09.2005, therefore the



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petitioner society cannot contend in this writ petition that the award passed by the Labour Court in I.D.No.934 of 1999 is not proper in respect of payment of back wages. Similarly, the petitioner society has also taken a plea in I.D.No.934 of 1999 that the claim of the second respondent from 2007 to 2009 was beyond limitation as it was raised in the year 2012.

5. On going through the impugned order, this Court is of the opinion that the first respondent, Labour Court has passed a speaking order in C.P.No.2 of 2012 which is nothing but a mere arithmetic calculation basing on the orders passed in I.D.No.934 of 1999. Other grounds raised by the petitioner are not relevant in this writ petition and are not tenable. In view of the above, this writ petition is dismissed. No costs.

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vca

Index : Yes/No

Citation: Yes/No

Internet: Yes/No

Dr.D.NAGARJUN.J,



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vca

To
The Presiding Officer,
Labour Court,
Salem.

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