



WEB COPY



C.R.P.(NPD)No.2931 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(NPD)No.2931 of 2016
and CMP.Nos.14924 & 14925 of 2016

K.Shanmugasundaram

.. Petitioner

VS

1.The Management of Coimbatore District Consumer
Co-operative Wholesale Stores Limited,
North Coimbatore, Mettupalayam Road,
R.S.Puram, Coimbatore – 641 002
Rep. by its Special Officer.

2.Controlling Authority under the Payment of Wages Act,
/ Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore – 18 (formal party)

.. Respondents

Petition filed under Section 115 of the Code of Civil Procedure
against the judgment and order passed in P.W.C.M.A.No.31 of 2013
dated 03.06.2016 on the file of the Principal District Judge, Coimbatore
(made ready on 15.07.2016) reversing the order passed in P.W.No.13 of
2011 dated 01.07.2013 on the file of the Deputy Commissioner of
Labour, Coimbatore.

For Petitioner : Mr.C.K.Chandrasekhar

For Respondents: : Ms.M.Meenatchi (for R1)
for Mr.P.Anbarasan
R2 - Court



C.R.P.(NPD)No.2931 of 2016

ORDER

WEB COPY This is the revision which is passed against an order under the Payment of Wages Act. The petitioner is a workman. During the course of his service, he was dismissed on 07.08.2008. Challenging the same, he filed TNSE.No.2 of 2009 under the provisions of the Tamil Nadu Shops and Establishments Act. The authority set aside the order of dismissal on 21.08.2010.

2.Challenging the same, the management filed W.P.No.14478 of 2010. By an order in MP.Nos.1 and 2 of 2010 on 17.09.2010, this Court directed the management to pay the arrears of last drawn wages from November 2010 till the date of his attaining superannuation i.e. May 2017. The said interim order passed by this Court had not been complied with. Therefore, a petition was filed before the Payment of Wages Authority. Under the Payment of Wages Act, the amount which is due and liable to be paid under orders of Court are also covered as “wages”.

3.Taking note of the same, Payment of Wages case in P.W.No.13 of 2011 came to be allowed. Aggrieved over the same, an appeal was filed under PWCMA.No.31 of 2013 before the District Court, Coimbatore which came to be allowed, against which the present revision.

4.I heard Mr.C.K.Chandrasekhar, learned counsel appearing for



C.R.P.(NPD)No.2931 of 2016

the petitioner and Ms.M.Meenatchi, learned counsel for Mr.P.Anbarasan, learned counsel for the first respondent and I have perused the records.

5.I pointed out to the learned counsel Ms.Meenatchi that under the order of this Court, they are liable to pay wages, which is equivalent to Section 17B of the Industrial Disputes Act. The learned counsel would fairly submit that the management is willing to pay the wages from November 2010 till the date of superannuation i.e. in May 2017. She pointed out that the amounts which were sent to the workman were returned and they were all kept in fixed deposit. Therefore, I requested Ms.Meenatchi to get instructions from their client to come with a draft for the entire amount of arrears together with interest.

6.Today, Ms.M.Meenatchi, has produced a demand draft for Rs.4,72,353/- drawn in the name of the civil revision petitioner. The civil revision petitioner is present in person and he has also received the Demand Draft. This puts a quietus to the issue raised in P.W.No.13 of 2011.

7.The learned counsel appearing for the petitioner would point out that the writ petition had been referred to Mediation. That writ petition relates to proceedings challenging the order of termination. I am only concerned with the payment of wages in terms of the order passed by this



C.R.P.(NPD)No.2931 of 2016

Court dated 17.09.2010. That having been satisfied by way of payment of draft for the entire amount, which is the last drawn wages together with interest payable thereon, nothing further remains to be adjudicated in the revision. This civil revision petition is closed.

8.It is left open to the parties to agitate the merits of dismissal from services in the writ petition challenging the order of termination. No costs. Consequently, connected miscellaneous petitions are also closed.

31.07.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

vs

To

- 1.The Principal District Judge,
Coimbatore.
- 2.The Deputy Commissioner of Labour,
Coimbatore.



WEB COPY



C.R.P.(NPD)No.2931 of 2016

V. LAKSHMINARAYANAN,J.

VS

**C.R.P.(NPD)No.2931 of 2016
and CMP.Nos.14924 & 14925 of 2016**

31.07.2023