



W.P.No.2651 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.2651 of 2018

and

WMP.No.3279 of 2018

The Superintending Engineer,
General Construction Circle,
Tamil Nadu Transmission Corporation,
Udayappati, Salem – 636 014.

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Salem.
2. Bakkiyavathi
3. R.Mohankumar @ Vinoth
4. Bharath @ Ravindar

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 1st respondent from proceeding with the Execution petition REP.No.46/2014 in I.D.No.89/2001, without proper quantification of the amount due to the respondents 2 to 4 in an application under section 33C(2) of the Industrial Disputes Act.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co

For Respondents : Mr.K.V.Shanmuganathan, for R2 to R4



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ORDER

The petitioner has filed this Writ petition seeking direction forbearing the 1st respondent from proceeding with the Execution petition REP.No.46/2014 in I.D.No.89/2001, without proper quantification of the amount due to the respondents 2 to 4 in an application under section 33C(2) of the Industrial Disputes Act.

2. The case of the petitioner is that one late A.Ramachandran was provided employment by the petitioner corporation as a helper trainee, however, as he was irregular to work, he was terminated from service, vide order dated 30.09.2000, but with effect from 23.03.1999, challenging which, the said Ramachandran raised an Industrial Dispute in I.D.No.89 of 2001 before the 1st respondent, in which, an award dated 25.02.2003 came to be passed by the labour court, directing the petitioner management to reinstate the said Ramachandran. Aggrieved by the said award, the petitioner corporation filed a Writ petition in W.P.No.6320 of 2006 and the same was dismissed, vide order dated 26.02.2023, however, during the pendency of the said petition, the said Ramachandran was paid with 17B



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wages and later, he died on 30.10.2012. Thereafter, the respondents 2 to 4 herein, the legal heirs of the said Ramachandran filed an execution petition No.46 of 2014, claiming a sum of Rs.23,60,882/- and the 1st respondent, without considering any of the facts, during the hearing directed the petitioner management to deposit a sum of Rs.2,82,148/- and the matter is pending. Hence, the petitioner has come up with this Writ petition.

3. Learned counsel for the petitioner submitted that, though the respondents 2 to 4 have filed the execution petition claiming a sum of Rs.23,60,882/-, however, no computation was mentioned. Further, the award dated 25.02.2003 did not specify the amount due to be paid to the said Ramachandran and when there is no award amount arrived at in the award, filing an execution petition is not maintainable, while so, the 1st respondent has entertained the same, which clearly shows non-application of mind. He further submitted that, according to the petitioner corporation, the amount payable to the said Ramachandran was only a sum of Rs.3,42,027/- in which, a sum of Rs.59,879/- was already paid to the said Ramachandran and the balance amount payable is only Rs.2,82,148/- and the petitioner corporation is ready to pay the same to the private respondents



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in lieu of reinstatement as ordered by the 1st respondent, vide award dated 25.02.2003, as the said Ramachandran had already passed away, during the pendency of the proceedings.

4. On the above said contentions, heard learned counsel appearing for the private respondents and perused the materials placed on record.

5. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, in view of the fair submission made by the learned counsel for the petitioner, this Court without going into the merits of the case, directs the petitioner management to pay the balance amount of Rs.2,82,148/- as admitted, after reducing the amount already paid, with 6% interest from the date of award till the date of deposit of the said amount, within a period of two weeks from the date of receipt of a copy of this order, which shall be disbursed to the respondents 2 to 4. Further, the respondents 2 to 4 are at liberty to file appropriate computation petition, if not satisfied with the amount quantified. The period during which the case was pending before this Court shall stand excluded for the purpose of computation of limitation, if any.



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WEB COPY 6. Accordingly, this Writ petition stands disposed of. No costs.

Consequently, connected Miscellaneous petition is closed.

25.08.2023

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

The Presiding Officer,
Labour Court, Salem.

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