



W.P. No.31699 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No.31699 of 2017
and WMP.No.34646 of 2017**

JSW Steel Limited,
Represented by its
General Manager – HR & Administration,
Pottaneri Post, Mettūr Taluk,
Salem District-636 453.

Vs

1. The Assistant Commissioner of Labour,
The Authority under Tamil Nadu -
Payment of Subsistence Allowance Act, 1981,
Office of the Assistant Commissioner of Labour,
4th Floor, Collectorate, Salem.

2. The Deputy Commissioner of Labour,
The Authority under Tamil Nadu -
Payment of Subsistence Allowance Act, 1981,
Office of the Assistant Commissioner of Labour,
4th Floor, Collectorate, Salem.

3. S.Krishnamoorthy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent and to quash the impugned order made in APSA No.2 of 2017 dated 30.10.2017 confirming the order passed by



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the first respondent made in PSA No.6 of 2011 dated 03.03.2017 and consequently, direct the first respondent to return the sum of Rs.2,22,202/- (Rupees Two Lakhs Twenty Thousand and two only) deposited by the petitioner.

For Petitioners : Mr.M.Vijayan

For Ms.Bensi Rema

For Respondents : Mr,M.S.Prem Kumar, GA for R2
Mr.K.V.Shanmuganathan R3

ORDER

The petition has been filed seeking to quash the impugned order made in APSA No.2 of 2017 dated 30.10.2017 confirming the order passed by the first respondent made in PSA No.6 of 2011 dated 03.03.2017 and consequently, direct the first respondent to return the sum of Rs.2,22,202/- (Rupees Two Lakhs Twenty Thousand and two only) deposited by the petitioner.

2. It is the case of the petitioner that the third respondent was working as a Junior Officer in the petitioner Company and he was transferred Karaikkal vide order dated 03.03.2017. However, he has been complied with the order of transfer and subsequently, he was unauthorized absent. Thereby, he was placed under suspension on 10.06.2013. After conducting departmental enquiry, he was dismissed from service on 31.10.2014. Against the dismissal order, the third respondent raised a industrial dispute under Section 2A(1) of the ID Act



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before the Labour Officer, Salem and the same was ended in failure. Thereafter, the third respondent filed an application before the Labour Officer, Salem under Section 2(A)(1) of the Payment of Subsistence Allowance Act. The Labour Officer, without considering the facts, awarded a sum of Rs.2,22,202/-. Aggrieved by the said order, the petitioner filed an appeal before the second respondent. The second respondent also mechanically confirmed the order passed by the first respondent vide order dated 30.10.2017. Challenging the same, the present writ petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the petitioner Management has filed the present writ petition on the ground that the third respondent is not a workman and similar stand also taken by the petitioner before the Labour Court, Coimbatore in ID No.75/2019 and the same is pending. If this Court held anything in favour of the petitioner as well as the third respondent, it will adversely affected the interest of both the parties. Hence, this Court may issue a direction to the second respondent to transfer the entire amount to the Labour Court, Coimbatore where the ID is pending. Based on the decision rendered by the Labour Court, the award amount may deposit to the eligible person.



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4. The learned counsel for the third respondent has not raised any dispute. However, the Labour Court may deposit the award amount in the any of the Nationalized Bank in the interest bearing deposit.

5. Heard the learned counsel for the petitioner and the learned Counsel appearing on behalf of the third respondent and perused the materials available on record.

6. In view of the consent view expressed by the learned counsel for the petitioner as well as the third respondent, this Court, without expressing any opinion on the merits of the case, this Court passes the following orders:

"1. The second respondent is directed to deposit the entire award amount before the Labour Court, Coimbatore in ID No.75/2009 within a period of two weeks from the date of receipt of a copy of this order; and

2. the Labour Court, Coimbatore shall decide the issue independently, on merits, without influencing any of the observation made in the impugned order, within a period of four weeks from the date of receipt of a copy of this order."



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WEB COPY 7. With the above observation, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

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Index: Yes/No

NCS : Yes/No

To

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M.DHANDAPANI, J.

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