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W.P.No.2284 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM :

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

W.P.No.2284 of 2017

and

WMP.Nos.2264 & 8864 of 2017

M/s.Soundararaja Mills Ltd.,
Rep.by its Authorized Signatory,
Nedungadu, Karaikkal,
Puducherry – 609 603.

...Petitioner

Vs.

1. The Secretary to Government(Labour),
Labour Department,
Government of Puducherry,
Puducherry-9.

2. N.Ramar

3. G.Chandrasekaran

...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the issuance of certificate under Section 33C(1) of the Industrial Disputes Act, 1947 dated Nil with reference No.1089/AIL/LAB/T/2016/ 1911 issued by the first respondent and quash the same.



W.P.No.2284 of 2017

For Petitioner : Mr.R.Swarnavel

For Respondents : Mr.A.Tamilvanan, AGP(P), for R1
: Mr.Balan Haridas, for R2 & R3

ORDER

This Writ petition has been filed seeking quashment of the certificate issued by the 1st respondent under Section 33C(1) of the Industrial Disputes Act, 1947, certifying that the petitioner is liable to pay a sum of Rs.6,15,814/- to respondents 2 and 3.

2. The case of the petitioner is that the 2nd and 3rd respondents were working in the petitioner mill and they were subsequently dismissed from service pursuant to the disciplinary proceedings initiated by the petitioner. Aggrieved by that, earlier, the 2nd and 3rd respondents raised an industrial dispute, which came to be dismissed, challenging the same, they approached this Court by filing W.P.No.2589 of 1988 and it was allowed by order dated 19.07.1991 and as against the said order, the petitioner filed W.A.No.1291 of 1991. Subsequently, as against the dismissal of the said writ appeal on 12.6.2002, the petitioner filed Civil Appeal No.2892 of 2005 before the



W.P.No.2284 of 2017

Apex Court, in which, a consent order was passed on 05.11.2009 for payment of Rs.3,25,000/- to each of them together with interest at 10% from 19.07.1991 till date of payment. Pursuant to the orders of the Supreme Court, the petitioner also paid a sum of Rs.3,25,000/- on 08.02.2010 and the interest part for the said sum of Rs.3,25,000/- from 08.02.2010 should be adjusted towards the payment of Rs.2,19,000/- made by the petitioner to each of them(2nd and 3rd respondent) during the pendency of the writ appeal under Section 17B of the Industrial Disputes Act. The total money paid to the 2nd and 3rd respondents was over and above the simple interest calculated as per the prevailing rate. Instead, they claimed compound interest and moved a petition before the 1st respondent against the petitioner under the Revenue Recovery Act. As a result, the 1st respondent issued the certificate, which is under challenge.

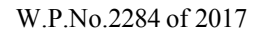
3. Learned counsel for the petitioner submitted that the 1st respondent has no authority to issue the certificate under Section 33C(1) of the Industrial Disputes Act and that the Labour Court alone should compute the amount. Despite the above said contention, the petitioner mill paid each of



W.P.No.2284 of 2017

them (2nd and 3rd respondent) a sum of Rs.2,19,000/- in total under Section 17B of the Industrial Disputes Act and pursuant to the order of this Court dated 31.01.2017, a sum of Rs.3,25,000/- was paid by the petitioner mill to each of respondents 2 and 3 on 01.03.2017. Hence, the balance amount to be paid by the petitioner mill is only Rs.93,000/-.

4. Learned counsel appearing for the 2nd & 3rd respondents submitted that, as per the order of the Hon'ble Apex Court dated 05.11.2009 made in Civil Appeal No.2892 of 2005, the petitioner has to pay a sum of Rs.3,25,000/- with interest @ 10% from 19.07.1991 till the date of payment. The petitioner paid a sum of Rs.3,25,000/- 08.2.2010 and even as on 08.02.2010, the interest payable by the petitioner was Rs.6,37,000/-. Hence, the petitioner has to pay a balance sum of Rs.4,18,000/- which carries interest only till 08.2.2010. Only in this situation, the recovery certificate came to be issued by the 1st respondent, holding that the petitioner mill is liable to pay an amount of Rs.6,15,814/- to each of 2nd and 3rd respondents, which does not warrants interference of this Court. Hence, he prayed for appropriate orders.





W.P.No.2284 of 2017

amount fixed by the Apex Court. However, the Apex Court has not spelt out whether the interest is simple interest or compound interest. For any such clarification, the proper course open to the 2nd & 3rd respondent is to approach the Apex Court.

8. With the above observations and directions, this Writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

24.07.2023

skt

Index : Yes (or) No
Neutral Citation : Yes (or) No
Speaking Order : Yes (or) No

To

The Secretary to Government (Labour),
Labour Department,
Government of Puducherry,
Puducherry-9.

6/7



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W.P.No.2284 of 2017

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W.P.No.2284 of 2017
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