



W.P.No.25126 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25126 of 2018

The Commissioner
Walajabath Panchayat Union
Walajabath
Kancheepuram District.

... Petitioner

Vs.

Babu

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating of the impugned order passed by the 1st Additional Labour Court in C.P.No.85 of 2016 dated 31.05.2018 and quash the same.

For Petitioner : Mr.G.Mutharasu
For Respondent : Mr.S.Ravi

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the impugned order passed by the 1st Additional Labour Court in C.P.No.85 of 2016 dated 31.05.2018 and to quash the same.



W.P.No.25126 of 2018

WEB COPY

2.The case of the petitioner is that the respondent was appointed as Cholrea Mazdoor on temporary basis and was terminated from service on 10.05.1996. Aggrieved by the termination, the respondent raised industrial dispute in I.D.No.431 of 1997 before the 1st Additional Labour Court and the Labour Court passed award dated 29.01.2003, directing the petitioner to reinstate the respondent in service with continuity of service and to pay full backwages and all other attendant benefits. Aggrieved by the same, the petitioner preferred W.P.No.11089 of 2003 and the same was dismissed by this Court on 09.01.2013. Thereafter, the respondent filed C.P.No.85 of 2016 before the 1st Additional Labour Court seeking to compute the money value of backwages payable to him and the Labour Court passed order dated 31.05.2018 directing the petitioner to pay Rs.20,82,843/- to the respondent. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that respondent was appointed as Cholrea Mazdoor in Walajabath Panchayat Union with a condition that his appointment will be of only temporary nature and that he can be terminated any time without



W.P.No.25126 of 2018

prior notice. Further, he was receiving only a sum of Rs.2,010/- as salary per month, which was decided by the District Collector at the relevant point of time, however, the Labour Court without any supporting documents, mechanically passed the award and further submitted that if at all the respondent is entitled for any amount, he is entitled for only the amount fixed by the District Collector based on the Scheme introduced by the Government, as per which, he is entitled to a sum of Rs.4,82,400/-.

4.Per contra, the learned counsel appearing for the respondent submitted that as per G.O.Ms.No.162 dated 13.04.1998 and G.O.Ms.No.234 dated 01.06.2009, the respondent would have been receiving Rs.23,515/- in the month of February, 2016 to June, 2016. The Labour Court elaborately adjudicated the issue and thereafter passed the impugned award, which warrants no interference.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute. Admittedly, the respondent was appointed as Cholrea Mazdoor in Walajabath



W.P.No.25126 of 2018

Panchayat Union with a condition that his appointment will be on only temporary nature and that he can be terminated any time without prior notice and he was terminated from service on 10.05.1996. Aggrieved by the termination, the respondent raised industrial dispute in I.D.No.431 of 1997 before the 1st Additional Labour Court and the Labour Court passed award dated 29.01.2003, directing the petitioner to reinstate the respondent in service with continuity of service and to pay full backwages and all other attendant benefits. Aggrieved by the same, the petitioner preferred W.P.No.11089 of 2003 and the same was dismissed by this Court on 09.01.2013. Thereafter, the respondent filed C.P.No.85 of 2016 before the 1st Additional Labour Court seeking to compute the money value of backwages payable to him and the Labour Court passed order dated 31.05.2018 directing the petitioner to pay Rs.20,82,843/- to the respondent.

7.Though the respondent claim that as per G.O.Ms.No.162 dated 13.04.1998 and G.O.Ms.No.234 dated 01.06.2009, the respondent would have been receiving Rs.23,515/- in the month of February, 2016 to June, 2016, the respondent has not marked any Government Order before the Labour Court, whereas, the petitioner Management has marked copy of the Proceedings of the District Collector of



W.P.No.25126 of 2018

Kanchipuram District as Ex.R.2 and Ex.R.3 before the Labour Court.

This Court wonder how Labour Court awarded such a huge amount when no Government Order was marked by the respondent.

8.Perusal of records reveal that the respondent was drawing a sum of Rs.2,010/- as salary per month, by calculating the daily wages for the service rendered by him at the time of his termination. If at all the respondent is entitled for any amount, he is entitled to that amount and not beyond that. If we calculate taking into consideration Rs.2,010/- as salary per month, the amount comes to Rs.4,82,400/-, for a period of 20 years.

9.Perusal of records further reveal that the petitioner has already deposited a sum of Rs.10,41,421/- before the Labour Court and pursuant to the order of this Court dated 24.09.2018 made in W.P.No.25126 of 2018 and W.M.P.No.29200 of 2018, the respondent has already withdrawn 50% of the deposited amount, which amount is more than Rs.4,82,400/-. Hence, the respondent is not entitled to any more amount. The petitioner Management is permitted to withdraw the balance amount lying in the credit of C.P.No.85 of 2016 before the 1st Additional Labour Court, Chennai.



WEB COPY



W.P.No.25126 of 2018

M.DHANDAPANI,J.
pri

10.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition, if any, is closed.

27.09.2023

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The I Additional Labour Court,
Chennai.

W.P.No.25126 of 2018

27.09.2023