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Comp.A.No.153 of 2023

Comp.A.No.153 of 2023
in C.P.No.378 of 1997

KRISHNAN RAMASAMY, J.

This application was filed to set aside the adjudication order dated 20.11.2007 in Claim No.356/201/2001/CRS05016 so far as the rejection of the claim of arrears of V Pay Commission and bonus and direct the respondent to pay the V Pay Commission arrears and bonus to the applicant.

2. The learned counsel for the applicant would submit that the applicant had filed a claim application claiming VRS compensation, 11 months salary and arrears of V Pay Commission and bonus, which was registered as Claim No.356/201/2001/CRS05016. Further he submitted that the said claim was adjudicated by the learned Official Liquidator admitting the amount of Rs.1,13,052/- out of Rs.1,99,001/- and rejected a sum of Rs.85,949/- towards the arrears of V Pay Commission and Bonus. The said adjudication order was communicated to the applicant on 16.06.2008.

3. Further it was submitted by the learned counsel for the applicant that since the learned Official Liquidator assured that the payment of arrears of V Pay Commission, which was rejected vide order dated 20.11.2007, will be paid after the disbursement of primary dues to all the other workmen, the applicant



had not challenged the same. However, the said amount was not paid even after the disbursement. Therefore, an application in C.A.No.1019 of 2010 seeking for re-adjudication of the order passed by the learned Official Liquidator was filed by the Union, representing all the workmen including the applicant herein and the same was dismissed vide order dated 30.01.2010. Challenging the dismissal of the said application, they preferred an appeal in O.S.A.No.120 of 2011, which was dismissed by the Division Bench of this Court with liberty to the appellants to challenge the adjudication order passed on 20.11.2007. Therefore, this present application has been filed.

4. In reply, the learned Official Liquidator would submit that since the liberty was granted to challenge the adjudication independently by the employees, the present application was filed. He further submitted that this Court may direct him to re-adjudicate this matter.

5. Upon hearing the learned counsel for the applicant and the learned Official Liquidator, this Court feels it appropriate to set aside the order passed by the learned Official Liquidator dated 20.11.2007 and directs the learned Official Liquidator to re-adjudicate the claims of the applicant.



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6. Accordingly, this Application is allowed.

10.03.2023

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