



W.P.No.17851 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.Nos.30000, 30002 & 30006 of 2018
and
W.M.P.Nos.35009, 35012 & 35013 of 2018

The Special Officer/
Block Development Officer (VP)
Kalpaavi Village Panchayat,
O/o.Ammapettai Panchayat Union,
Ammapettai, Bhavani,
Erode - 638 311. ... Petitioner in all W.Ps.

Vs.

P.KalaiChelvan ... Respondent in W.P.No.30000 of 2018
R.Ganesan ... Respondent in W.P.No.30002 of 2018
R.Periyasamy ... Respondent in W.P.No.30006 of 2018

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the orders in R.E.P.No.227 of 2015 in I.D.No.146 of 2006, dated 13.10.2016, R.E.P.No.228 of 2015 in I.D.No.147 of 2006, dated 23.06.2016, R.E.P.No.229 of 2015 in I.D.No.148 of 2006, dated 09.11.2016 passed by the Labour Court, Salem and quash the same.



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For Petitioner : Mr.D.Gopal,
in all W.Ps. Government Advocate

For Respondents : Mr.S.V.Navin Prabha for
in all W.Ps. Mr.K.V.Shanmuganathan

COMMON ORDER

The respondents joined as Tank Operators in petitioner / Kalpaavi Village Panchayat, Erode on 05.10.2000 and they were orally terminated by the Writ Petitioner on 07.10.2002. Aggrieved over the same, the respondents/employees filed I.D.Nos.146, 147 & 148 of 2006 before the Presiding Officer, Labour Court, Salem. The present Writ Petitioner / Management did not enter appearance and therefore they were set exparte. Since the provisions of the Industrial Disputes Act were not followed by the present Writ Petitioner in letter and spirit, the Presiding Officer, Salem, allowed I.D.Nos.146, 147 & 148 of 2006 vide his orders dated 16.12.2006, directing the Writ Petitioner to reinstate the respondents into service with full backwages and attendant benefits with costs. This order had not been challenged by the Writ Petitioner.



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2. Thereafter, the respondents filed Computation Petitions in C.P.Nos.26, 27 and 29 of 2008 before the Labour Court, Salem under Section 33C(2) of the Industrial Disputes Act to pay the arrears of their respective salaries. In the said Computation petitions, the Presiding Officer, Labour Court, directed the present Writ Petitioner to pay arrears to the respondents for the period from 01.10.2002 to 29.02.2008 as extracted hereunder:

<i>S.No.</i>	<i>C.P.No.</i>	<i>Arrears of Salaries</i>
1	C.P.No.26 of 2008	Rs.42,500/-
2	C.P.No.27 of 2008	Rs.42,500/-
3	C.P.No.29 of 2008	Rs.42,500/-

3. Since the Writ Petitioner contended that the Government has taken steps to pay the amount, the petitions were closed. Since no steps were taken, the respondents filed R.E.P.Nos.227, 228 & 229 of 2015 before the Presiding Officer, Labour Court, Salem for arresting the President of Kalpaavi Panchayat Union and all the applications were allowed by the Labour Court, Salem.



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4. The facts of the present case clearly show that the present Writ Petitioner though were given opportunity to pay the arrears amount to the respondents from the year 2006, they have not made good the amount payable to the Workman/respondents. Hence, I do not see any reason to interfere with the orders passed by the Labour court, Salem. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.11.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

R. HEMALATHA, J.



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vum

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and
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