



W.A.(MD)Nos.684 & 685 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)Nos.684 & 685 of 2014

and

M.P.(MD)Nos.1 & 1 of 2014

The Management of Vivekananda Kendra

Rural Development Programme,

Vivekanandapuram, Kanyakumari.

... Appellant in both W.As.

Vs.

1.The Deputy Commissioner of Labour,
(Appellate Authority under the Tamil Nadu
Shops and Establishments Act),
Tirunelveli.

... 1st Respondent in both W.As.

2.T.Baskaran

... 2nd Respondent

in W.A.(MD)No.684 of 2014

2.P.Paulsamy

... 2nd Respondent

in W.A.(MD)No.685 of 2014



COMMON PRAYER: Writ Appeals filed under Clause 15 of Letters Patent Act, to set aside the orders passed in W.P.(MD)Nos.8738 & 8739 of 2006, dated 06.03.2013 on the file of this Court.

For Appellants : Mr.V.O.S.Kalaiselvam
For R1 : Mr.C.Kameswaran,
Government Advocate
For R2 : Mr.R.Sundar
(in both W.As.)

COMMON JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

The orders dated 06.03.2013 passed in W.P.(MD)Nos.8738 & 8739 of 2006 are under challenge in the present Writ Appeals.

2.The learned Single Judge set aside the award passed in T.N.S.E.Nos.06 of 2003 & 1 of 2002 respectively on 07.07.2006 and remanded the matter back to the Deputy Commissioner of Labour, (Appellate Authority under the Tamil Nadu Shops and Establishments Act), Tirunelveli, to consider the issues afresh by following the decision of the Hon'ble Supreme Court and taking into observations made in the orders, which are under challenge in the present Writ Appeals.



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3.The learned counsel appearing for the 2nd respondent in both Writ Appeals has made a submission that on account of efflux of time, the 2nd respondent in both the appeals / employees attained the age of superannuation and retired from service.

4.The learned counsel appearing for the appellant in both the appeals contended that the management has no objection for settling terminal and retirement benefits due to the employees.

5.Since there is a consensus in settling terminal benefits, no further adjudication is required in respect of the issues raised in the appeals. Accordingly, the appellant Management is directed to settle the terminal and retirement benefits due to the 2nd respondent in both the appeals / employees within a period of eight weeks from the date of receipt of a copy of this order. Regarding the settlement of Provident Fund, the 2nd respondent in both the appeals / employees shall co-operate for submission of application and to process the same before the competent authority under the Employees' Provident Fund Act, 1952.



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6. With the above observations, these Writ Appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

11.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The Deputy Commissioner of Labour,
(Appellate Authority under the Tamil Nadu
Shops and Establishments Act),
Tirunelveli.



W.A.(MD)Nos.684 & 685 of 2014

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

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