



W.P.No.1617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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W.M.P.No.1651 of 2024

The Management
M/s.Jain Irrigation Systems Ltd.,
Represented by its Vice President Administration,
Mr.N.Sezhian,
Jain Agri Industrial Park,
S.F.No.248/2,
90, Elayamuthur Village,
Udumalpet – 642 154,
Tiruppur District.
...Petitioner

VS.

G.Sankarappan
Respondent

...

Prayer : Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Certiorari to call for records relating to the order dated 26.10.2023 passed by the Additional Labour Court, Coimbatore, in C.P.No.20 of 2021 and to quash the same in so far as grant of back wages to the respondent.

For Petitioner : Mr.Babu Ramasamy

For Respondent : Mr.V.Anandhamurthy



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ORDER

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With the consent of both the parties, the writ petition is taken up for final hearing. The petitioner has challenged the order passed by the Additional Labour Court, Coimbatore in C.P.No.20 of 2021 dated 26.10.2023.

2.The brief facts are as follows:

The petitioner company is incorporated under the Companies Act. The respondent was working as a Security Supervisor with the petitioner Management. The respondent was terminated from service on 02.02.2016 as the respondent was medically not fit and he was not ready to subject himself for physical examination before the Medical Officer attached to the petitioner Management to get the fitness certificate.

3.The respondent raised a dispute before the Additional Labour Court, Coimbatore in I.D.No.38 of 2016. The Labour Court vide its order dated 18.02.2020 has passed the following order:

21.In the result, an award is passed

as follows:



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(i)That the oral termination of the services of the petitioner by the respondent on 02.02.2016, is set aside;

(ii)That the respondent is directed to reinstate the petitioner into service with continuity of service, within one month from the date of coming into force of this award;

(iii)That the respondent is directed to pay 25% back-wages and other attendant benefits to the petitioner; and

(iv)That the parties are directed to bear their own costs.

4.The petitioner Management would contend that in compliance to the order passed by the Additional Labour Court, Coimbatore a communication was sent to the respondent on 23.11.2020 directing him to join the employment. According to the petitioner, in spite of such notice, the respondent has not chosen to join. However, the respondent had only insisted for payment of back wages. The petitioner Management had sent a cheque for a sum of Rs.1,51,165/- by way of a Registered Post to the respondent, however the respondent did not receive



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the same.

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5.The respondent had filed a Computation Petition before the Additional Labour Court, Coimbatore, seeking 25% back wages with attendant benefits, outstanding amount to be paid to the Provident Fund Authority and a sum of Rs.4,35,252/- at the rate of 12% interest as per the Award made in I.D.No.38 of 2016. The Additional Labour Court had directed the petitioner Management to pay a sum of Rs.4,35,252/- with 6% interest from the date of filing of the Computation Petition.

6.Learned counsel appearing for the petitioner would dispute the calculation which finds place in Page No.7 of the impugned order. The main contention of the petitioner is that in Column No.4, 5 & 6, the three amounts which were calculated in the Computation Petition to be deposited with the Provident Fund. According to the petitioner, neither the Labour Court nor the Labour Court under the Computation Petition has no jurisdiction to issue directions to pass an Award computing the amount that has to be deposited before the Provident Fund Authority.

7.Learned counsel appearing for the petitioner would contend that in the absence of any power conferred under the Industrial Disputes Act



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conferring a power to the Labour Court, issuing direction to pass an Award directing the petitioner Management to deposit the Provident Fund amount in favour of the respondent is contrary to law and on facts.

8.Learned counsel appearing for the respondent would contend that the computation was in consonance with the award passed by the Tribunal and there is no illegality in making the calculation by taking note of the Provident Fund amount that has to be paid by the petitioner based on the salary and increment of the respondent.

9.In view of the same, the award passed by the Additional Labour Court, Coimbatore in I.D.No.38 of 2016 is in accordance with law but the Tribunal has made an error in calculating the quantum that has to be deposited before the Provident Fund Authority which was stated in Column Nos.4, 5 & 6 in the impugned order. The petitioner shall deduct the said amount which was stated in Column Nos.4, 5 & 6 in the impugned order dated 26.10.2023.

10.Learned counsel for the petitioner would dispute the quantum of



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Rs.65,422/- which is the salary of the respondent from 11.12.2020 to 23.02.2021. In the absence of any challenge made to the salary of the respondent, the quantum arrived in the Computation Petition Column No.7 goes unchallenged.

11.This Court made an endeavour to see that there could be any possibility for an amicable settlement between the petitioner and the respondent. But the counsels appearing for the petitioner and the respondent have expressed their inability in arriving at a settlement.

12.Since there is no possibility for amicable settlement between the parties, this Court is inclined to pass the following order:

The petitioner Management is directed to make the payment as enumerated in Column Nos.1, 2, 3 & 7 along with 6% interest to the respondent within a period of six weeks from the date of receipt of a copy of this order. The total amount shall be paid by the petitioner by way of a demand draft and the said demand draft has to be forwarded to the respondent directly.

13.With the above direction, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.



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14.It is needless to say that the petitioner Management is duty bound to make the contribution under the Provident Funds Act, 1925. In case of any violation in making such payment, the Provident Fund Authority may issue a proceedings under the Provident Funds Act, 1925.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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N.SENTHILKUMAR, J.

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