



WEB COPY

W.P.No.14763 of
and W.P.M.P.No.16117 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.14763 of 2005
and W.P.M.P.No.16117 of 2005

The Management,
Dharmapuri Handloom Weaver's
Co-operative Production &
Sales Society Ltd.,
Dharmapuri - 636 701.

...

Petitioner

versus

1.The Presiding Officer,
Labour Court, Salem.

2.G.Susainathan

3.C.Sivan

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records in C.P.No.215 of 1999 on the file of the Labour Court, Salem, the first respondent herein and quash the order dated 28.10.2003.

For Petitioner	:	Mr.M.R.Raghavan
For Respondent No.1	:	Labour Court
For Respondent Nos.2 & 3	:	Mr.V.R.Annagandhi
		for M/s.Sarvabhauman Associates

ORDER



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The Writ Petition has been filed challenging the order of the learned Presiding Officer, Labour Court, Salem, made in C.P.No.215 of 1999 dated 28.10.2003.

2. Heard Mr.M.R.Raghavan, learned counsel for the petitioner and Mr.V.R.Annagandhi, learned counsel for the respondents 2 and 3 and perused the materials available on record.

3. Mr.V.R.Annagandhi, learned counsel for the respondents 2 and 3 submitted that despite the order has been passed before two decades so far the respondents 2 and 3 are not able to recover the fruits of the order from the petitioner's cooperative society.

4. Mr.M.R.Raghavan, learned counsel for the petitioner submitted that the petitioner's cooperative society itself is not in existence and hence, the payment is not possible. It is further submitted that the society was closed just two months back.



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5. It is learnt from the submission of the learned counsel for the petitioner that the Special Officer has been appointed and the amount so determined by the Labour Court, Salem, in the Computation Petition can be recovered by having charge over the properties of the society.

6. Whatever may be the course of recovery, the fact remains that the petitioner did not raise any valid points to assail the computation done by the Labour Court, Salem. Hence, I do not find any merits to allow the relief sought by the petitioner. Accordingly, this Writ Petition is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

7. In pursuant to the orders made by this Court in W.P.M.P.No.16117 of 2005 dated 29.04.2005, the award amount has already been deposited before the Labour Court, Salem. It is further submitted that 1/3rd of the amount so deposited has already been allowed to be withdrawn and the court had deposited the remaining amount in a Nationalised Bank by an order of this Court dated 10.04.2006 in W.P.M.P.No.8589 of 2006. In that case, the petitioner is at liberty to file an application and get permission of the Court to withdraw the same along with interest, if any.



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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

The Presiding Officer,
Labour Court, Salem.



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R.N.MANJULA, J.

sri

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