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W.P.No.9186 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

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THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9186 of 2011

D.Ramadass

... Petitioner

Vs.

1.The Principal Labour Court
Rep.by its Presiding Officer
Chennai – 600 104.
2.The Special Officer
100, Karunguzhi Primary
Agricultural Co-op. Bank Limited
Karunguzhi – 603 303.
Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Award dated 20.04.2004 in I.D.No.490 of 1995 passed by the 1st respondent and quash the same as illegal, arbitrary and unreasonable, in so far as it denied back wages to the petitioner and consequently direct the 2nd respondent to reinstate the petitioner with back wages, continuity of service and attendant service benefits.

For Petitioner : Mr.C.K.Chandrasekhar
For Respondents : For R1 – Court



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for R2 – No appearance

ORDER

Challenging the award dated 20.04.2004 in I.D.No.490 of 1995 passed by the 1st respondent, the petitioner – Workman has filed the present Writ Petition.

2. Earlier, this Court passed an order in this Writ Petition also on the ground of default. However, it is seen that the Workman had challenged the award and the learned counsel for the petitioner represented before this Court on 05.11.2024 and therefore dismissing the Writ Petition on the ground of default was not proper. Therefore, the matter is taken up for hearing again.

3. It can be seen that the award is dated 20.04.2004. The Workman had also chosen to file the present Writ Petition, belatedly, considering the fact that he was not granted back wages. It can be seen that the Labour Court has given cogent reasons in paragraph Nos.10 & 11 for not granting back wages.

4. In view thereof, there is no merit in the Writ Petition filed by the



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Workman and it is also hit by delay and latches. However, it is made clear that the Workman was ordered to be reinstated by the award dated 20.04.2004 and therefore from 20.04.2004 till the date of superannuation, the Workman will be entitled for his full back wages and since the Workman is said to have attained the age of superannuation in the year 2009, all the back wages from 2004 to 2009 and also his service benefits, all the amounts payable to him, upon his superannuation in the year 2009 shall be paid to the Workman within a period of six weeks from the date of receipt of a copy of the order. It is made clear that if the amount is not paid within a period of six weeks thereafter, the entire arrears shall be paid with further interest at the rate of 9% per annum from today till the date of disbursement.

5. With the above directions, this Writ Petition stands disposed of. No costs.

22.11.2024

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Neutral Citation: No



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D.BHARATHA CHAKRAVARTHY, J.,

Jer

To
The Presiding Officer
Principal Labour Court
Chennai – 600 104.

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