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W.P.No.32865 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.32865 of 2012

A.Veerasingam

... Petitioner

Vs.

1.The Tamil Nadu Civil Supplies Corporation Ltd.,
Rep. by its Senior Regional Manager,
Tanjore.

2.The Presiding Officer,
Labour Court,
Cuddalore.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent in connection with the impugned order passed by him in claim petition No.65/2007 dated 11.08.2011 and quash the same and further direct the first respondent to pay a sum of Rs.9,57,128.90/- as arrears of backwages with interest.

For Petitioner : Mr.A.Tamil Rajan

For Respondent 1 : Dr.K.Thirugnanam



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For Respondent 2 : Labour Court

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ORDER

The petitioner has filed this writ petition to call for the records of the second respondent in connection with the impugned order passed by him in claim petition No.65/2007 dated 11.08.2011 and quash the same and further direct the first respondent to pay a sum of Rs.9,57,128.90/- as arrears of backwages with interest.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Bill Clerk in the first respondent/Corporation on 01.02.1979. This being so, the petitioner was removed from service on 11.06.1988. Challenging the said order, the petitioner has filed Industrial Dispute in I.D.No.876 of 1990 before the Additional Labour Court, Chennai and the same was transferred to second respondent and re-numbered as I.D.No.354 of 1992 and same was ordered on 13.12.1995 with a direction to the first respondent to reinstate the petitioner and to pay the back wages from 05.10.1990 to till the date of reinstatement. Against which, the petitioner has



preferred a writ petition before this Court in W.P.No.14291 of 1997, which was dismissed on 29.09.2004. Hence, the order of the second respondent stands confirmed.

3. Learned counsel for the petitioner would further submit that the petitioner was reinstated on 18.11.2004 as packer , which is a lower grade post and he was posted at Kanyakumari district. Moreover, the Lower Court has ordered to pay back wages from 05.10.1990. so, as per the order of the Court, the petitioner has to be paid back wages and other allowance as a bill clerk. Hence, from 05.10.1990 to till his date of reinstatement i.e., 18.11.2004, the amount due is Rs.9,57,128/- and the first respondent has to pay the above said sum with interest at 12% per annum. The petitioner has made several representations to pay the aforesaid arrears of backwages and other allowances as per the order of the Labour Court dated 1.12.1995, however, the petitioner was not paid with the said amount. Hence, he has filed a claim petition before the second respondent in C.P.No.65 of 2007 and prayed to appoint him as a Bill Clerk within the Tanjore District and to pay a sum of Rs.9,57,128/- as arrears of backwages with interest at the rate of 12% per annum and the same was partly allowed on 11.08.2011. Challenging the



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said order, the petitioner has come forward with the present writ petition.

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4. Learned counsel appearing for the first respondent submitted a written instruction in Rc.No.N2/29235/2007, dated 09.03.2024, wherein, it is stated that the first respondent/Corporation is ready and willing to settle a sum of Rs.1,26,000/- towards the salary of the petitioner at the rate of Rs.750/- per month, from the date of filing the I.D.No.354 of 1992 i.e., 05.10.1990.

5. Learned counsel appearing for the first respondent further prayed to this Court to grant 10 days time for payment of the aforesaid sum of Rs.1,26,000/-.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In view of the above facts and circumstances of the case, this Court directs the learned counsel for the petitioner to furnish the bank details of the



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petitioner so as to enable the first respondent/Corporation to transfer the said amount of Rs.1,26,000/- in the account of the petitioner.

8. This writ petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is also closed.

9. List the case on 25.03.2024 under the caption “For Reporting Compliance”.

11.03.2024 (vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

1.The Senior Regional Manager

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The Tamil Nadu Civil Supplies Corporation Ltd.,
Tanjore.

2.The Presiding Officer,
Labour Court,
Cuddalore.

J.SATHYA NARAYANA PRASAD,J.

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