



WEB COPY



W.A.No.453 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON : 27.06.2024

PRONOUNCED ON: 07 .08.2024

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

W.A.No.453 of 2023
and C.M.P.Nos.4277, 17230 & 17232 of 2023

The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Seelanaickenpatti,
Salem - 636 201.

... Appellant/2nd respondent

-Vs-

1. K.Thirunavukkarasu

... 1st Respondent/Petitioner

2. The Presiding Officer,
Labour Court, Salem.

... 2nd Respondent/1st Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent against the order dated 17.07.2019 made in W.P.No.221 of 2013.

For Appellant

: Mr.R.Neelakandan,

Additional Advocate General
Assisted by: Mr.C.Selvaraj

For Respondents

: Mr.V.Sekar for R2

R1 : Court

J U D G M E N T



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Per J.NISHA BANU, J.

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This Writ Appeal is filed by the Tamil Nadu Civil Supplies Corporation as against the order dated 17.07.2019 made in W.P.No.221 of 2013. The learned Single Judge, by the impugned order, directed the appellant-TNCSC to pay the claim amount of Rs.5,02,187/- with interest within a period of two months. Further the learned Single Judge held that the interest portion will have to be recovered from the Officer, who is responsible for payment of the amount and that the Chairman/Managing Director/Regional Manager, who is in-charge of the Corporation, shall not draw his/her salary till the entire amount is paid to the employee.

2. At the time of admission of this Writ Appeal, a Division Bench of this court granted interim stay on condition that the appellant-Corporation to deposit the entire claim amount of Rs.5,02,187/- along with interest to the credit of I.D.No.73 of 1992 within four weeks from the date of receipt of a copy of that order, failing which, the interim order granted shall stand vacated automatically without any further reference to this court.



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3. The impugned order passed by the learned Single Judge would go to show that the Management has not raised any objection to the claim of the employee before the Labour court on the computation petition and also taking into consideration the other aspects of the case, the Management has been directed to pay the claim amount of Rs.5,02,187/- as demanded by the employee together with interest from the date of petition till the amount is actually disbursed. The order passed in computation petition is dated 24.07.2012. It is also transpired that E.P.06/2020 has been filed by the employee based on the order of the learned Single Judge dated 17.07.2019 passed in W.P.No.221 of 2013. In view of the pendency of the present writ appeal, EP has not been ordered till date.

4. From the aforesaid narration of necessary facts, it is apparent that the issue agitated before us pertains to the observation of the learned Single Judge in respect of the direction to the appellant-Corporation to recover the entire interest portion from the officer who is responsible for the payment and other direction that the Chairman/Managing Director/Regional Manager who is in charge of the Corporation shall not draw his/her salary till the entire amount is paid to the employee and also with respect to the computation of amount directed to be paid to the employee/2nd respondent herein.



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5. A perusal of the order impugned would go to show that the learned Single Judge relied on the decisions of the Honourable Supreme Court reported in **1993 (3) SCC 214** and **2007 (1) LLN 725** and directed the appellant-corporation to pay the claim amount of Rs.5,02,187/- together with interest from the date of petition till the amount is actually disbursed. The learned Single Judge also pointed out that the employee retired from service. The I.D., is of the year 1992. Award was passed on 28.04.1995. Management filed W.P.No.16507 of 1995 and interim stay was granted on 03.08.1998; thereafter award was modified by this court on 06.09.2001. Employee filed C.P.No.55 of 2007 before the Labour court and attained the age of superannuation on 31.05.2009. The employee filed W.P.No.221 of 2013 as against the order passed in C.P.No55 of 2007. The learned Single Judge passed the impugned order on 17.07.2019 with the directions as stated in the previous paragraph.

6. We also like to point out herein that the learned Single Judge, keeping in view the principles laid down by the Honourable Supreme Court, allowed the writ petition filed by the employee and given a direction to the appellant-Corporation to



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pay the claim amount of Rs.5,02,187 with interest. The order of the learned Single Judge in respect of the above direction, does not call for any interference by us as the same is well reasoned. However, if any amount already been paid to the employee in respect of the computation of salary, the same shall be adjusted.

7. Pursuant to the order of interim stay passed by this court with a direction to the appellant-Corporation to deposit the entire claim amount of Rs.5,02,187/- along with interest to the credit of I.D.No.73 of 1992, the appellant Corporation deposited the entire claim amount with interest. Therefore, in respect of the direction of the learned Single Judge holding that the entire interest portion will have to be recovered from the officer who is responsible for payment of the amount and that the Chairman/Managing Director/Regional Manager who is in-charge of the appellant Corporation shall not draw his/her salary till the entire amount is paid to the employee is concerned, the same is set aside.

8. In the result, Writ Appeal is partly allowed on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.)

(P.D.B.,J.)



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Index: Yes/No
Internet: Yes/No
Neutral Citation Case: Yes/No
nvsri

To

1. The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Seelanaickenpatti,
Salem - 636 201.
2. The Presiding Officer,
Labour Court,
Salem.



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**J.NISHA BANU,J.,
and
P. DHANABAL,J.,**

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Judgment made in
W.A.No.453 of 2023

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