



W.P.No.10073 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.10073 of 2023

T.Velliappan

... Petitioner

Vs.

The Special Officer,
Tamil Nadu Silk Producers,
Federation Ltd., Ind., No.944, 522,
Gandhi Road, Kancheepuram.

... Respondents

Respondent cause title amended vide Order 13.06.2023 made in
WMP.No.13268 of 2023 in WP.No.10073 of 2023 by VBSJ

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus to direct the respondent herein to restore the petitioner with full backwages and continuity of service as an Office Assistant, w.e.f.19.09.2023.

For Petitioner : Mr.Sunny sheen

For Respondents : Mr.B.Hari babu for R1



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ORDER

This Writ Petition is filed seeking Writ of Mandamus to direct the respondent herein to restore the petitioner with full backwages and continuity of service as an Officer Assistant w.e.f from 19.09.2023.

2. The brief facts of the case as per the affidavit enclosed this Writ Petition are as under:

The petitioner was as an Office Assistant in the respondent in Finance Department. The respondents had retrenched the petitioner stating that twisting unit facility of the respondent was not viable and was unable to reap any profits, forcing the respondents to permanently close the said facility on 20.01.2002. The petitioner had approached the authorities to set out the dispute under Tamil Nadu Shops and Establishments Act, 1947 to alleviate his burden and the matter was numbered as TSE-II-2/2006. The Statutory Authority had made an observation that the reasons assigned in the retrenchment notice dated 19.09.2003 was absolutely baseless, frivolous and arbitrary. Consequently, the respondent had filed a Writ Petition challenging the order of the statutory authority in TSE-II-2/2006 vide Writ Petition in W.P.No.32118 of 2007 and the same was dismissed. An appeal was preferred against the said order vide W.A.No.1160 of 2012 also dismissed by



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the Division Bench of this Court on 26.04.2021. Thereafter, the petitioner had approached the respondent seeking for reinstatement with full backwages and continuity of service as an Office Assistant, but the respondent given the post of Night Duty Watchman on 16.09.2021. Aggrieved by the same, the petitioner has preferred this Writ Petition.

3. Heard the submissions made by both sides and perused the records.

4. During the course of hearing it is brought to notice of this Court by the learned counsel for the petitioner that petitioner was already reinstated by the respondent and he is going to retire by end of this month. Then what is left is only backwages. On the last date of hearing, both parties were advised to come forward with a specific amount which can be given to the petitioner by the respondent towards backwages. However, the learned counsel for the respondent submits that the management has not given any information with regard to the quantum of amount that the respondent is willing to provide to the petitioner towards backwages.

5. Considering the circumstance and on perusal of records, since the petitioner was already been reinstated and he is about to retire from service



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by end of this month, the issue in respect of backwages has to be decided by taking into consideration, the wages drawn by the petitioner when he was terminated and the period from the date of termination, until date of retirement. As the dispute with regard to fixation of the quantum of amount towards backwages cannot be settled by this Writ Court, this Court is of the opinion that appropriate directions can be given to the respondent management to decide about the backwages within a specific time frame fixed by this Court, so that in case if the petitioner is aggrieved by the quantum of amount offered by the respondent, he can still agitate the same before the appropriate forum.

6. In view of the discussion made above, this Writ Petition is disposed of directing the respondent to decide about the backwages to be paid to the petitioner by following due process of law within six weeks from the date of receipt of copy of this order. No costs.

26.06.2024

jai
Index: Yes/No
Speaking Order: Yes/No



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To

The Special Officer,
Tamil Nadu Silk Producers,
Federation Ltd., Ind., No.944, 522,
Gandhi Road, Kancheepuram.



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Dr.D. NAGARJUN, J.

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