



WEB COPY



W.P.No.36694, 36695, 36697, 36703 and 36705 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.36694, 36695, 36697, 36703 and 36705 of 2024

and

WMP.Nos.39596, 39597, 39598, 39602 & 39606 of 2024

The Management,
TP Special 30 Jameen Uthukuli Primary Agricultural
Co-Op Credit Society,
Rep. by its Secretary,
K.Prabhu,
Having office at
Jameen Uthukali, Bodipalayam Road,
Pollachi - 642004.

... Petitioner

Vs.

M.Vijayalakshmi

... Respondent in WP.No.36694 of 2024

Meenakshi

... Respondent in WP.No.36695 of 2024

S.Sivasubramaniam

... Respondent in WP.No.36697 of 2024

1. Meenakshi

2. V.Venuraj

3. V.Sasikala

... Respondents in WP.No.36703 of 2024



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S.Baladhandapani

... Respondent in WP.No.36705 of 2024

Common Prayer: Writ Petitions filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for records of the orders dated 30.01.2024 made in Computation Petition Nos.351, 350, 348, 349 and 347 of 2022, respectively on the file of Additional Labour Court, Coimbatore and quash the same.

For all W.Ps.

For Petitioner

: Mr.P.Saravana Sowmiyan

COMMON ORDER

These writ petitions are connected to each other and as such are taken up by way of this common order for disposal.

2. In all these matters, the orders passed in the Computation Petitions by the Additional Labour Court, Coimbatore in respect of workmen is being challenged. The workmen filed the Computation Petitions claiming the arrears of provident fund amount and also earned leave. The claim was resisted by the petitioner management on the ground that they are not at all workmen and straight away the petition under 33(c)(2) of the Industrial



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Disputes Act cannot be entertained, since the claim itself is disputed.

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3. The Labour Court found that these workmen entered into service as Clerk, Office Assistant, and Jewel Appraiser, respectively and all of them are now retired. Nothing was placed before the Labour Court to substantiate that either they were in a supervisory or managerial capacity and therefore, they are workmen within the meaning of Section 2(s) of the Act.

4. This apart, the Labour Court found that the quantum of Provident Fund amount is already mentioned in the audit report of the management itself and the said audit report is not even disputed by the petitioner management. In view thereof, the second contention that the claim is disputed cannot also be substantiated.

5. Mr.P.Saravana Sowmiyan, learned counsel appearing on behalf of the petitioner Management would submit that even otherwise the Labour Court ought to have taken into account the financial position of the petitioner management. Only pursuant to the policies of the Government, the



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Cooperative Credit Society had written off the loans and therefore, there is no money left with the petitioner management unless the same is sanctioned by the Government.

6. Be that as it may, the same will not preclude the appropriate authority from passing the orders under the Computation Petitions and its execution. However, considering the genuine request which is made by the learned counsel for the petitioner, the copy of this order shall also be forwarded by the petitioner management to the appropriate authority of the Government of Tamil Nadu who shall ensure timely release of the amount so as to enable the petitioner management to comply with the Awards.

7. With the above observation, finding no merits, these writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Neutral Citation : No

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D.BHARATHA CHAKRAVARTHY, J.

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