



W.P(MD)Nos.6097 and 6098 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.6097 and 6098 of 2017

and

W.M.P.(MD)Nos.4807 and 4808 of 2017

For W.P(MD)No.6097 of 2017

Manakavilai Primary Agricultural Co-Operative
Bank Limited,
Manalikai Post,
Kanyakumari District,
Represented by
President

...Petitioner

Vs.

N.Paulraj

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the order passed by the learned Labour Court in C.P.No.33 of 2015, dated 12.05.2016 and quash the same.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : No Appearance



W.P(MD)Nos.6097 and 6098 of 2017

For W.P(MD)No.6098 of 2017

Manakavilai Primary Agricultural Co-Operative
Bank Limited,
Manalikai Post,
Kanyakumari District,
Represented by
President

...Petitioner

Vs.

N.Paulraj

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the order passed by the learned Labour Court in C.P.No.36 of 2010, dated 09.08.2016 and quash the same.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : No Appearance

COMMON ORDER

These petitions have been filed as against the order passed by the Labour Court, Tirunelveli in C.P.Nos.33 of 2015 and 36 of 2010, dated 12.05.2016 and 09.08.2016 respectively.



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2.The learned Counsel appearing for the petitioner submits that these claim petitions have been filed under Section 33(C)(2) of the Industrial Disputes Act based on the award passed in the Industrial Dispute in I.D.No.52 of 2000, dated 12.03.2005. The respondent claiming to be the workman of the petitioner Society, has raised this Industrial Dispute before the Labour Court, Tirunelveli in I.D.No.52 of 2000 and the same was allowed in favour of the workman with a direction to the respondent/Management to reinstate him and to pay the back wages with consequential benefits. The workman's grievance was that he was reinstated and back wages were not provided as per the award dated 12.03.2005 in I.D.No.52 of 2000 therefore he filed the petition in C.P.Nos.36 of 2010. He also claimed wages under Section 17-B of the Industrial Disputes Act and filed another claim petition in C.P.No.33 of 2015. The learned Counsel further submits that the writ petition filed by the Management as against the order passed in I.D.No. 52 of 2000 in W.P.(MD)No.14873 of 2011 was allowed by this Court on 03.03.2021. The learned Counsel has referred the relevant portion of that order which is extracted as under:

"11. Accordingly, the orders passed by the Labour



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Court in I.A. No. 253/08 in I.D. No.52/2000 is hereby set aside and the Labour Court, Tirunelveli is directed to restore I.D.No.52 of 2000, on its file and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner as well as to the second respondent/workman, within a period of six months from the date of receipt of a copy of this order.

12. The writ petitions are allowed with the aforesaid observations and directions. No costs. Consequently, connected Miscellaneous Petitions are closed."

3.In view of the same, the learned Counsel for the petitioner submits that the orders passed by the Labour Court, Tirunelveli, in C.PNos.36 of 2010 and 33 of 2015 based on the orders passed in I.D.No. 52 of 2000 therefore has merged with the orders of this Court in W.P(MD)No.14873 of 2011. Pursuant to the orders in the writ petition, the Industrial Dispute has been remitted back and a separate award has been passed.

4.The Labour Court, Tirunelveli on 25.12.2022 has passed the order that the workman is not entitled for continuity of services and back wages along with interest. However, the Labour Court has passed an order that the respondent workman is entitled for a sum of Rs.5,13,752/- as compensation, which he has already received.



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5.In view of the subsequent development and the orders passed by the Labour Court in I.D.No.52 of 2000, dated 25.12.2022, the orders passed in C.P.Nos.33 of 2015 and 36 of 2010 which are challenged in these writ petitions are set aside. Accordingly, these writ petitions stand allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

16.08.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No

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