



W.P.Nos.2659 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.2659 of 2015
and
MP.No.1 of 2015 & 2277 of 2024

The Management of W.S. Industries (India) Ltd.,
108, Mount Poonamallee Road,
Porur, Chennai – 600 116.

...Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

2. M.Jayapalan

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the records in E.P.No.50 of 2014 in I.D.No.422 of 2000 and the order dated 30.12.2014 on the file of the first respondent, the Presiding Officer, First Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.Sai Prasad
for M/s.Sai Raj Associates

For Respondents : R1 – Court
R2- Not ready Notice



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ORDER

This Writ Petition has been filed seeking quashment of the order dated 30.12.2014 made in E.P.No.50 of 2014 in I.D.No.422 of 2000 on the file of the 1st respondent.

2. It is the case of the petitioner management that the 2nd respondent raised an industrial dispute in I.D.No.422 of 2000 against the petitioner and the Labour Court, vide order dated 22.11.2013 awarded a sum of Rs.4,00,000/- as compensation *in lieu* of reinstatement, pursuant to which, the petitioner sent a Demand Draft to the 2nd respondent for a sum of Rs.3,20,000/-, deducting a sum of Rs.80,000/- towards TDS ie., Tax deducted at source. Aggrieved by the same, the 2nd respondent filed an execution petition before the Labour Court in E.P.No.50 of 2014 in I.D.No.422 of 2000 and the Labour Court, vide impugned order dated 30.12.2014 allowed the same by holding that the petitioner is not entitled to deduct any amount as tax from the award amount. Challenging the same, the petitioner has come up with the Writ petition.



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3. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

4. Though the Writ petition is of the year 2015, however, till late, the petitioner has not taken effective steps to serve notice on the 2nd respondent/Workman. However, considering the period of pendency of this Writ petition, this Court is inclined to dispose of this petition based on the materials available on record.

5. On a perusal of the documents available on record, this Court is of the view that the petitioner management has grossly erred in deducting Rs.80,000/- from and out of the amount of Rs.4,00,000/- awarded by the Labour Court. It is common knowledge that whenever compensation is awarded, the entire sum has to be paid to the claimant/victim. This principle is common in any claim petition or money suit and deducting amount as tax at the time of payment is unheard of.

6. Though the petitioner has produced a photocopy of the letter dated 04.04.2018 purported to have been given by the 2nd respondent/



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Workman, wherein the 2nd respondent has stated that he is in receipt of Form-16 in proof of deducting Rs.80,000/- towards TDS and that he has no other claim than the amount ordered by the Tribunal in the original dispute in I.D.No.422 of 2000, however, the 2nd respondent has not been served and he is not present before this Court to certify the genuineness of the photocopy of the said letter, said to have been given by the 2nd respondent.

7. In view of the above, this Court is not inclined to interfere with the order impugned. However, the petitioner is at liberty to file appropriate application before the 1st respondent in respect of the above said letter dated 04.04.2018 alleged to have been given by the 2nd respondent. If such application is filed by the petitioner, the 1st respondent shall consider the same in accordance with law and pass appropriate order within a period of twelve weeks from the date of filing of such application, after affording opportunity to the petitioner, the 2nd respondent and aggrieved persons if any.



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WEB COPY 8. With the above observations and directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions, if any, are closed.

03.03.2025

skt

NCC : Yes / No
Index : Yes / No
Speaking order : Yes / No

To:

The Presiding Officer,
I Additional Labour Court,
Chennai.



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M.DHANDAPANI, J.

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