



W.P.No.32229 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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and

M.P.Nos.1 of 2013 & 1 of 2014

The Management of the Salem Co-operative Sugar Mills,
represented by its Managing Director,
Mohanur Road,
Namakkal District – 637 015. ... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Salem.

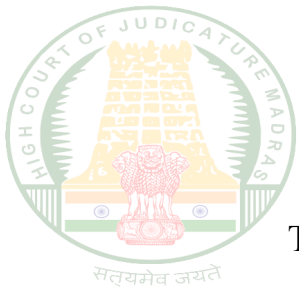
2.K.Arumugam ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in I.D.No.350 of 2003 and quash the same.

For Petitioner : Mr.D.Ravindranathan

For Respondents : Labour Court [R1]
Mr.K.M.Ramesh
Senior Counsel
for M/s.S.Apunu [R2]

ORDER



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This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the records of the first respondent in I.D.No.350 of 2003 and quash the same.

2. The case of the petitioner is that, the 2nd respondent/workman was appointed as Assistant Pan Man on 10.12.1964 and in the year 1972, he became the Pan Man and in the year 1984, he was incharge of Pan and allotted to the production unit. Whiles, for the misconduct committed by the 2nd respondent, he was placed under suspension on 19.06.1995 and after conducting domestic enquiry, he was dismissed from service on 29.01.2003, aggrieved by the same, the 2nd respondent raised an Industrial Dispute before the 1st respondent in I.D.No.350 of 2003 and the Labour Court passed an award, dated 11.03.2013. Challenging the same, the petitioner has filed the present writ petition before this Court.

3. Learned counsel for the petitioner submitted that, the 2nd respondent was placed under suspension on 19.06.1995 and the suspension order was revoked on 22.11.1995, thereafter, after conducting domestic enquiry, the 2nd respondent was terminated from service on 29.01.2003 and he reached the age of superannuation on 31.07.2003. He further submitted



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that, pursuant to the award passed by the Labour Court in I.D., the 2nd

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respondent had filed a computation petition u/s 33(C)(2) of the ID Act before the Labour Court, claiming all the benefits. If at all, he is entitled to backwages only for the period from 29.01.2003 to 31.07.2003. Hence, he submitted that, this Court may fix backwages and the petitioner is ready to pay all the terminal benefits to the 2nd respondent. Accordingly, he prays for appropriate orders.

4. Learned Senior Counsel appearing for the 2nd respondent submitted that, though the order of termination was passed on 29.01.2003 and he reached the age of superannuation on 31.07.2003, prior to that, he was placed under suspension on 19.06.1995 and his suspension was not revoked and the subsistence allowance was also not paid, thereby, he filed computation petition before the Labour Court. However, he submitted that, if this Court clarifies the entitlement of backwages to the 2nd respondent, the petitioner will withdraw the CP, which is pending before the Labour Court.

5. In view of the above, order passed by the Labour Court is clarified in the following terms :-

(i) the petitioner is directed to pay 50% backwages



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to the 2nd respondent for the period from 29.01.2003 to 31.07.2003 ;

(ii) the petitioner is directed to regularize the suspension period in favour of the 2nd respondent and pay the admissible benefits to the 2nd respondent ;

(iii) whatever the amount payable by the petitioner, the petitioner is directed to settle all the entire terminal benefits, less the amount, if any, already paid, to the 2nd respondent ;

(iv) the 2nd respondent/workman is directed to withdraw CP, which is pending before the Labour Court ;

(v) all the above directions should be complied by the parties, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above terms, this Writ Petition is disposed of. No costs.

Consequently, the connected writ miscellaneous petitions are closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To
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The Presiding Officer,
Labour Court,
Salem.



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M.DHANDAPANI, J.

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