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W.A.No.3136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.3136 of 2024
and CMP.No.24072 of 2024

1. The Management
Thanjavur District Co Operative- Milk Producers Union Limited,
Thanjavur.

... Appellant

Vs.

V.Jayaraj (deceased)
1.Kamini

2.J.Ram Manohar
(R1 and R2 substituted as legal heirs of deceased
sole petitioner vide order dated 05.04.2022 in
WMP.No.7328 of 2022)

3.The Presiding Officer
Labour Court, Cuddalore.

... Respondents



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PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order made in WP.No.16096 of 2004 dated 02.09.2022.

For Appellant : Mr.V.Rajinikanth

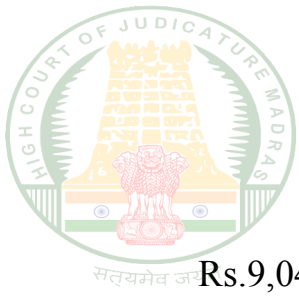
For Respondents : Mr.R.Thirugnanam for R1 & R2

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order made in WP.No.16096 of 2004 dated 02.09.2022.

2. The respondents 1 and 2 are the legal heirs of one V.Jayaraj, who was an ex-employee of the appellant Co-operative Milk Producers Union. On a set of proven charges, the employee was dismissed from service on 30.06.1993. The challenge made to the order of dismissal before the Labour Court, Cuddalore in I.D.No.188 of 1993 was dismissed on 03.07.2003. When the employee had challenged the same before the Writ Court in W.P.No.16096 of 2004, the learned counsel appearing for the legal heirs of the deceased employee had offered to repay the sum of



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Rs.9,047.26/-, which is alleged to have been misappropriated by the deceased employee, together with 6% interest for the period 07.09.1989 to 10.01.2004. The learned counsel for the Management had accepted the offer and had requested the Writ Court to grant them liberty to settle the benefits in two instalments, after deducting the sum of Rs.9,047.26/- with 6% interest. The submissions made by both the counsels were recorded by the Writ Court in the following manner:

“2. When the matter was taken up for hearing the learned counsel for the petitioner submitted that the petitioner is ready to pay the amount of Rs.9,047.26/- with 6% interest from 07.09.1989 (date of non remittance of amount) to 10.01.2004 (date of superannuation) to the second respondent management and further submitted that this Court may direct the second respondent to settle back the petitioner's terminal benefits after deducting the aforesaid sum with interest.

3. The learned counsel appearing for the second respondent submitted that this Court may permit the second respondent to settle the terminal benefits to the petitioner in two installments, after deducting the sum of Rs.9,047.26/- with 6% interest from 07.09.1989 to 10.01.2004.”



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3. It is in this background, the learned Single Judge had directed the appellant herein to settle the balance amount of terminal benefits to the legal heirs of the late employee in two instalments, in the following manner:

“7.As submitted by the learned counsel appearing for the second respondent, this Court permits and directs the second respondent to settle the balance amount of terminal benefits to the petitioner in two instalments i.e., the first installment of sum of Rs.1,00,000/- has to be paid on or before 06.10.2022 and the remaining amount has to be paid by way of second installment on or before 07.11.2022 after deducting the sum of Rs.9,047.26/- with 6% interest.”

4. Having conceded before the learned Single Judge to pay the retirement benefits in two instalments, after deducting the sum of Rs.9,047.26/- along with 6% interest, it would not be now open to the appellant to challenge the said order, which is apparently a consented order. As such, none of the grounds raised by the appellant herein in this appeal deserves consideration.



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5. Accordingly, the Writ Appeal stands dismissed with a direction to the appellant to comply with the order passed in WP.No.16096 of 2004 dated 02.09.2022, within a period of one (1) week from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [R.S.V.,J]

07.10.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Anu

Note: Issue order copy on 07.10.2025

To

The Presiding Officer
Labour Court, Cuddalore.



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and
R.SAKTHIVEL, J.

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