



W.P.No.8978 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM :

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

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and

MP.No.1 of 2015

M/s. ZB-75, Anathandavapuram
Primary Agricultural Co-operative Credit Society,
Rep. by its President Mr.V.Radhakrishnan
Anathandavapuram, Mayiladuthurai Taluk,
Nagapattinam District.

...Petitioner

Vs.

1. The Deputy Commissioner of Labour,
Trichirappalli.

2. M.Kaliyamurthy

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus calling for the records in Sa.Pa.No.1 of 2011 dated 16.09.2013 on the file of the 1st respondent herein and quash the same and direct the 1st respondent herein to conduct a full pledged enquiry giving a reasonable opportunity of being heard to the petitioner society and pass orders.



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For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.K.Surendran, AGP, for R1
No Appearance, for R2

ORDER

This Writ Petition has been filed seeking quashment o the order of the 1st respondent in Sa.Pa.No.1 of 2011 dated 16.09.2013 and to consequently, direct the 1st respondent to conduct a full pledged enquiry by giving a reasonable opportunity of being heard to the petitioner.

2. The case of the petitioner is that the 2nd respondent was employed as a Writer in the petitioner society since 1978 and he subsequently, retired from service in the year 2009, after attaining the age of superannuation. Despite the various agreements and a binding settlement entered into with the petitioner society with regard to payment of wages, the 2nd respondent, after a lapse of two years, filed an application under section 15(3) of the Payment of Wages Act, 1936 before the 1st respondent claiming arrears to the tune of Rs.1,42,216.21/-. Upon notice, though the petitioner society appeared and filed a detailed counter, however, without affording an opportunity to cross-examine or a



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fair hearing, the 1st respondent passed an ex-parte impugned award on 16.09.2013 directing payment of Rs.2,70,592.21/-. Thereafter, recovery proceedings were initiated under the Revenue Recovery Act based on the said award. Aggrieved by the same, the petitioner has filed this Writ Petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. The issue involved in this Writ petition lies on a narrow compass. The major contention of the petitioner is that, though the 2nd respondent entered into a settlement under section 18(1) of the Industrial Disputes Act with the petitioner with regard to the payment of wages, suppressing the same, the 2nd respondent has filed an application under section 15(3) of the Payment of Wages Act before the 1st respondent, which has resulted in passing the present impugned award.

5. On a perusal of the materials available on record particularly the impugned order, it is evident that, the 2nd respondent had filed a 15(3)



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WEB COPY petition before the 1st respondent claiming arrears of wages to the tune of Rs.2,70,592/.21-, and the 1st respondent in turn, had passed a cryptic order granting the prayer sought for by the 2nd respondent, solely on the ground that the petitioner has not cross examined the 2nd respondent and had not marked any documents in their favour. The 1st respondent had grossly erred in blindly accepting the case of the 2nd respondent.

6. Moreover, the claim made by the 2nd respondent cannot be sought for under the Payment of Wages Act and even without considering the said fact, the 1st respondent had entertained the petition made by the 2nd respondent and passed the present impugned award, which is wholly unsustainable and the proper remedy available to the 2nd respondent is to raise a dispute before the labour Court. Hence, on the sole ground, this Court is inclined to set aside the order impugned.



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WEB COPY 7. With the above observations and directions, this Writ Petition stands allowed and the impugned order dated 16.09.2013 passed by the 1st respondent is set aside. However, the 2nd respondent is at liberty to workout the remedy in the manner known to law. No costs. Consequently, the connected Miscellaneous petition is closed.

04.03.2025

skt

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

To

The Deputy Commissioner of Labour
Trichirapalli



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M.DHANDAPANI, J.

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