



Writ Petition No.12763 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition No.12763 of 2022
and W.M.P.Nos.12220 and 12221 of 2022

The Management,
Thiyagi Subramania Siva Handloom Weavers,
Co-op Sales Society,
Papparapatty post,
Dharmapuri – 636 809,
Represented by its Official Liquidator,
Mr.Sathyaseelan

...Petitioner

Vs

M.Subramaniam

... Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, praying to call for the order dated 18.01.2011 made in CP.No.64 of 2010 passed by the learned Labour Court, Salem and quash the same.

For Petitioner : Mr.M.R.Dhalapathy Vignesh

For Respondent : Mr.J.Manikandan
for R.Marudhachalamurthy



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ORDER

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This writ petition has been filed challenging the order passed by the Labour Court, Salem in C.P.No.64 of 2010, dated 18.01.2011, wherein, the respondent herein filed a petition for computation of the award as against the petitioner management and the same was allowed by awarding computation amount of Rs.5,78,500/- and directing the petitioner management to pay the amount along with interest at 8% per annum. Aggrieved by the said order, the liquidator of the petitioner company filed this writ petition.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the official liquidator appointed for the management society. The petitioner society is a handloom weaver Co-operative society registered under Tamil Nadu Co-operative Societies Act. The petitioner society was incurring heavy loss and the society was liquidated on 09.01.2009. The respondent joined the petitioner society on 13.10.1984. While so, in the year 1999-2000, the petitioner had misappropriated society's fund and the petitioner society dismissed the respondent from service on 11.02.2000. Challenging the said dismissal



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order, the respondent raised an industrial dispute in I.D.No.531 of 2000 on the file of Labour Court, Salem and the punishment was set aside by the Labour Court through order dated 20.01.2006. Thereafter, the petitioner society was liquidated on 09.01.2009 and the respondent filed C.P.No.64 of 2010 on the file of the Labour Court, Salem, without impleading the official liquidator and obtained ex-parte award. The petitioner filed execution petition to execute the above said order in REP.No.36 of 2015 before the Labour Court, Salem. Then only the petitioner came to know about the above said proceedings initiated without impleading the official liquidator as party to the proceedings and the order was passed by the labour Court in the absence of official liquidator. Therefore, the order passed by the labour Court is liable to be set aside.

3. The learned counsel appearing for the respondent would submit that at the time of passing award, no liquidation proceedings was started and thereafter as per the award, the petitioner society was impleaded as party and filed computation petition. Since the society failed to enter appearance before the Labour Court, an ex-parte order was passed. Though the order is passed in the absence of the petitioner, the labour Court after



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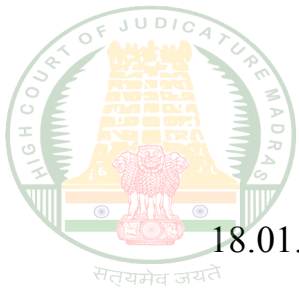
considering the evidence computed the amount and therefore, there is no

dispute about the quantum of the amount computed by the labour Court.

Moreover, the award was passed on 18.01.2011, but now the writ petition has been filed in the year 2022. Therefore, the writ petition is liable to be dismissed.

4. It is an admitted fact that the main I.D was filed in the year 2000 and the same was allowed by setting aside punishment awarded by the petitioner management on 20.01.2006. The society was liquidated on 09.01.2009 and thereafter, the respondent filed a petition in C.P.No.64 of 2010 and the official liquidator is not a party to the computation petition. However, as per the award, the respondent has filed a computation petition as against the society and there is no dispute in the amount quantified by the Labour Court.

5. It is true, that the petitioner society was liquidated on 09.01.2009, thereafter only the computation petition was filed, however there are no records to show that the respondent has knowledge about the liquidation proceedings of the society. Moreover, the award was passed on



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18.01.2011 and the writ petition was filed in the year 2022 and there is a huge delay of more than ten years, thereby also the petition is liable to be dismissed on the ground of delay and laches.

6. It is an admitted fact that the respondent filed execution petition in REP.No.36 of 2015 on the file of Labour Court, Salem and the same is pending, where the petitioner i.e., official liquidator who is the writ petitioner is also party to the execution proceedings. Therefore, merely because the official liquidator is not a party to the computation petition, the order cannot be set aside, unless there is any error or perversity or illegality in the order passed by the labour Court. If any calculation error, then the petitioner can raise objection before the Execution Court.

7. In view of the above said discussions, this writ petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To
The Labour Court,
Salem.

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