



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI**WP Nos. 4650 of 2014 & 6708 of 2015****and****M.P.No.1 of 2015**

1. M.T.Sukumar @ Mayilai
Sugumar (senior Citizen) Advocate,
No.2/7, Irusappan Street, Chennai-3

Petitioner(s)

Vs

1. The Presiding Officer
Principal Labour Court, High Court
Chennai-104

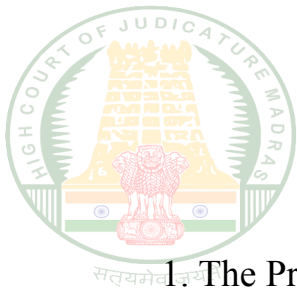
2.Secretary
The Railway Employees Co-operative
Credit Society Ltd., Park Town
Chennai-3

Respondent(s)

WP No. 6708 of 2015

1. The Chief Executive/
Secretary, Railway Employees
Cooperative Credit Society Ltd., Park
Town, Chennai 600 003

Petitioner(s)



Vs

1. The Presiding Officer

Principal Labour Court,
Chennai

2.M.T.Sukumar

Respondent(s)

WP No. 4650 of 2014

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned award of the 1st respondent in I.D.746 of 2000 dated 06.02.2013 quash the same and direct the 2nd respondent to pay the petitioner full back wages treating the entire period from 01.12.1993 to 31.12.2010 as duty period with all attendant benefits.

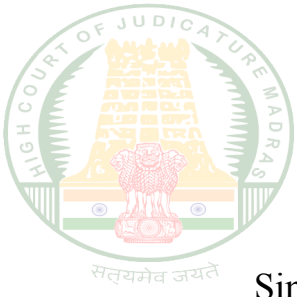
WP No. 6708 of 2015

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent in I.D. No.746 of 2000 and quash its award dated 06.2.2013.

WP No. 4650 of 2014

For Petitioner(s): M/s.V.Selvaraj

For Respondent(s): M/s.A.Jenasenan for R2
R1 - Labour Court.**WP No. 6708 of 2015**For Petitioner(s): M/s.R.Ravindran, Senior counsel
for M/s.S.Bazeer AhamedFor Respondent(s): R1 - Labour Court.
M/s.V.Selvaraj for R2



COMMON ORDER

WEB COPY

Since the issue involved in the present writ petitions are one and the same they are disposed of by way of this common order.

2. For ease of convenience, the petitioner in W.P.No.4650 of 2014 is referred to as workman and the petitioner in W.P.No.6708 of 2015 is referred to as Management.

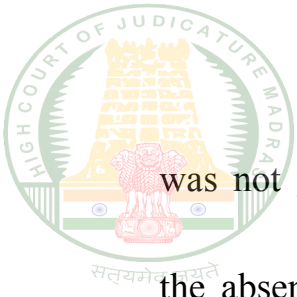
3. According to the workman, he is an Advocate who started his career as an employee under the second respondent Society governed by the Tamil Nadu Co-operative Credit Society Ltd., which was incorporated in the year 1907. The workman was the General Secretary of the Staff Union and after exposing corruption and maladministration within the society, he was dismissed from service on 01.12.1993. Challenging the same I.D.No.746 of 2006 was filed. The Labour Court, by award dated 06.02.2013, held the dismissal unsustainable and ordered compensation of Rs.2 lakhs to the workman. Seeking full backwages, the workman had filed W.P.No.4650 of 2014 and challenging the compensation



awarded by the Labour Court, the management / Society has filed W.P.No.6708

4. The learned counsel for the workman submitted that admittedly the date of superannuation of the workman is on 31.12.2008, as per the revised age of superannuation, the workman could have attained superannuation only on 31.12.2010. However, the workman had enrolled as an Advocate on 24.11.2000 and pursuant to the dismissal, the workman was not gainfully employed during his non-employment period. However, without considering the same, the Labour Court has fixed only a sum of Rs.2,00,000/- as compensation towards backwages which is not sustainable.

5. The learned counsel for the management submits that though the award has been passed by the Labour Court during the year 2000, however, the same has been challenged by the workman after a lapse of seven years which is per se unsustainable. It was also admitted by the workman that he was enrolled as an Advocate during the year 2000, however, it is for the workman to prove that he



was not gainfully employed anywhere during his non-employment period. In

the absence of any such pleading before the Labour Court, the Tribunal has

awarded Rs.2,00,000/- as compensation towards backwages which is wholly

unsustainable. Accordingly, he prayed to allow W.P.No.6708 of 2015.

6. Heard the respective learned counsel for the parties and perused the materials placed on record.

7. The employee-employer relationship is not in dispute. For the alleged misconduct committed by the workman, the management has initiated disciplinary proceedings against the workman and he was dismissed from service in the year 1993. Assailing which, the workman has preferred the Industrial Dispute before the Labour Court only in the year 2000 which is after a lapse of seven years from the date of dismissal. However, the Labour Court has awarded lumpsum backwages of Rs.2,00,000/- as compensation. Considering the fact that the industrial dispute is of the year 2013 and also considering the rate of inflation, this Court is inclined to award a sum of



Rs.3,00,000/- to the workman as compensation in full quit. The management is directed to pay a sum of Rs.3,00,000/- as compensation in full quit to the workman within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the above observation, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27-02-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

To

1. The Presiding Officer
Principal Labour Court, High Court
Chennai-104



WEB COPY

8/8

WP No. 4650 of 2014



M.DHANDAPANI J.

RAP

**WP Nos. 4650 of 2014 &
6708 of 2015**

27-02-2025