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W.A.No.2224 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :27.03.2025

Coram:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

Writ Appeal No.2224 of 2024
and
Civil Miscellaneous Petition No.15706 of 2024

The President/Administrator,
I.I.606, Arasur Primary Agricultural Cooperative
Credit Society Ltd.,
Arasur & Post 607 107,
Thiruvannainallur Taluk,
Villupuram District.

.. Appellant/Applicant

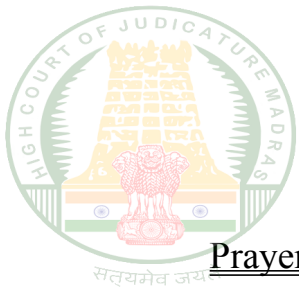
/versus/

1.The Joint Registrar of Cooperative Societies,
Villupuram Region, Villupuram District.

2.The Deputy Registrar of Cooperative Societies,
Thirukoilur Circle, Thirukoilur, Kallakurichi District.

3.T.Ramalingam,
S/o Thulasinga Gounder,
Throwpathi Amman Koil Street,
Arasur & Post 607 107,
Thiruvannainallur Tk., Villupuram District.

.. Respondents/
Respondents



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Prayer: Writ Appeal has been filed under Clause 15 of Letters Patent praying to allow the Writ Appeal and to set aside the order made in W.P.No.2683 of 2022, dated 07.07.2023.

(Prayer amended vide Court order dated 28.10.2024 made in C.M.P.No.17980 of 2024 in W.A.No.2224 of 2024 (DKKJ & PBBJ))

For Appellant :Mr.T.Girija

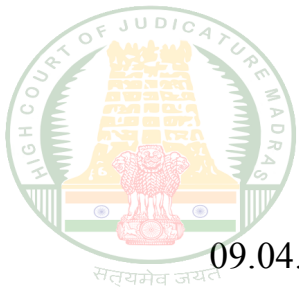
For Respondents :Mr.S.Ravikumar, SGP for R1 and R2
Mr.C.Prakasam, for R3

ORDER

(The Order of the Court was made by R .Subamanian, J.)

There is no merit in this Appeal. Admittedly, the third respondent, who was dismissed from service on 09.10.1999, was directed to be reinstated by the Award of the Labour Court on 28.03.2002 in T.S.E.II. 13/2001. The said award was challenged before this Court in W.P.No.30232 of 2002 and this Court dismissed the said Writ Petition on 23.04.2010. It should be noted that there was no stay of operation of the order of the Labour Court, pending writ petition.

2. The third respondent was ultimately reinstated into the service on



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09.04.2008 and an undertaking was extracted from him to the effect that he

will not claim any back wages. The petitioner sought for arrears of salary to the tune of Rs.16,37,592/- for the period from 01.09.2003 to 31.03.2008. The Writ Court allowed the Writ Petition on the ground that once the Award of the Labour Court has become final, pendency of the Writ Petition cannot be a ground to deny the wages. The said order in W.P.No.2683 of 2022 was challenged in W.A.No.2586 of 2023. However, the Division Bench disposed of the Writ Appeal on 17.10.2023 with liberty to file review. Pursuant thereof, the Society filed a Review Application No.1 of 2024. The learned Single Judge by an order dated 22.04.2024 dismissed the Review Application leading to this appeal.

3. Ms.T.Girija, learned counsel appearing for the appellant would vehemently contend that the third respondent having given an undertaking cannot claim salary for the period for which he has not worked.

4. We are unable to accept the said submission. Once the Labour Court passes an Award, it becomes the employer's duty to pay the salary. If



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the employer chooses to challenge the order by way of the Writ Petition

without reinstating, the employer should pay full salary to the employee without extracting work from the employee. The Writ Petition challenging the award of the Labour Court has also been dismissed and the said order has become final. Therefore, the employer cannot escape from the liability from the payment of salary.

5. The term “back wages” denotes, wages or salary payable during the pendency of the proceedings before the Labour Court. Once the Labour Court passes an award, reinstatement becomes the right of the employee and if he is not reinstated, he is entitled to full wages.

6. We, however, find that the learned Single Judge directed for the payment of salary with interest at the rate of 7% p.a. The rate of interest alone is not justified. Admittedly, the third respondent has not worked during the said period. The salary he gets itself without working is considered as bonus and there cannot be a double bonus in the form of interest. Therefore, the direction to pay interest on the salary alone is set



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aside. Apart from paying the salary from the period between 01.09.2003 and 31.03.2008, the employer shall pay all the retiral benefits to the petitioner with interest, as directed by the learned Single Judge. The Society will work out the benefits and to pay the same, within a period of 12 weeks from the date of receipt of the copy of this order.

7. Accordingly, **this Writ Appeal is disposed of.** Consequently, connected Miscellaneous Petition is also closed. No costs.

[R.S.M.J.]

[G.A.M.J.]

27.03.2025

Index:no

Speaking order

Neutral citation:no

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To

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