



W.P.No.28408 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

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

W.P.No.28408 of 2019

and

W.M.P.No.28099 of 2019

Tamil Nadu Civil Supplies Corporation Limited,  
Represented by its Managing Director,  
42, Thambusamy Road, Kilpauk,  
Chennai – 600 010.

...Petitioner

Vs.

S.Gunasekaran

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the Principal Labour Court, Chennai in E.P.No.2 of 2010 dated 09.09.2019 and to quash the same, as that the same is without the jurisdiction & against the scope of Section 11(B) of the Industrial Disputes Act, 1947.

For Petitioner : Mr. R. Neelakandan AAG  
Asst By Mr. C.Selvaraj

For Respondent : Mr.V.Subramani



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**ORDER**

Questioning the correctness of the award passed by the Principal Labour Court, Chennai in E.P.No.2 of 2010 dated 09.09.2019 the present writ petition has been filed.

2. It is the case of the petitioner that the respondent was as a Bill Clerk in the petitioner management. Thereafter, the petitioner management was constrained to dismiss the respondent from service on 04.11.1976. Challenging the said termination, the respondent along with the co-delinquent who were dismissed at the relevant point of time have raised an industrial dispute before the Labour Court in I.D.No.359 of 1979, however, the Labour Court vide award dated 30.10.1989 allowed the said dispute granting reinstatement of service along with backwages, continuity of service and attendant benefits. Assailing which, the petitioner management filed a writ petition before this Court in W.P.No.12491 of 1991 before this Court, however, the same was dismissed on 13.03.2001 on the ground of delay and laches. Against which, an appeal has been filed in W.A.No.1523 of 2001 which was also dismissed on 11.07.2007. Thereafter, the respondent filed an execution



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petition in E.P.No.2 of 2010 in I.D.No.239 of 1979 seeking to attach the movable properties lying in the premises of the petitioner management by selling the same in public auction and the same was allowed in favour of the respondent on 09.09.2019. Challenging the same, the present writ petition has been filed by the management.

3. The learned Additional Advocate General appearing for the petitioner submitted that the petitioner that they have already deposited a sum of Rs.1,42,865/- and a sum of Rs.4,00,000/- as per the order of this Court. He further submits that the petitioner intends to pay the remaining amount from the total due of Rs.11,99,770/- less the amount already paid by them. Hence he prayed to allow this writ petition.

4. The learned counsel appearing for the respondent workman submitted that this Court may issue a direction to the petitioner to deposit the due payable by them within a reasonable time.

5. Heard both sides.



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6. In the light of the above the impugned order is set aside and the petitioner management is directed to pay a sum of Rs.11,99,770/- as full quit without any interest in favour of the workman less the amount already deposited by them within a period of six (6) weeks from the date of receipt of a copy of this order. Upon such deposit, the respondent is permitted to withdraw the amount already deposited by the petitioner with accrued interest. If the petitioner management fails to adhere to the direction passed by this Court within the prescribed period, they shall pay the same along with 12% interest.

7. Accordingly, the writ petition is allowed in above terms. No costs. Consequently, connected miscellaneous petition is closed.

**22.04.2025**

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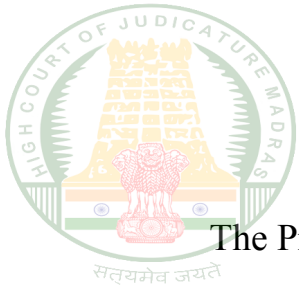
Speaking Order : Yes/ No

Index : Yes/ No

NCC : Yes/ No

To

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The Principal Labour Court, Chennai

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**M.DHANDAPANI., J.**



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