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W.P.No.36294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 36294 of 2023

A.Sarojini

...Petitioner

Vs.

The Tamilnadu Agricultural University

Rep. by its Registrar,

Coimbatore.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, call for the records relating to the order passed by the Principal Labour Court, Coimbatore in Claim Petition No.215 of 2013 dated 25.05.2023 and set aside the same and direct the respondent to disburse the claim amount of Rs.14,22,071/- within time stipulated by this Court with the interest at the rate of 12% per annum.



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For Petitioner : Mr. V.Sivakumar

For Respondent : Mr. R.Sivakumar

Assisted by
Mr. S.Manikandan

ORDER

Challenging the order passed by the Principal Labour Court, Coimbatore in Claim Petition No.215 of 2023, the workman has filed this Writ Petition. The short facts are as follows. The petitioner was a permanent employee under the respondent university from 05.06.1996 onwards. Prior to this she was working as a Casual Labourer under the respondent. When she was made permanent she had to undergo medical fitness test as directed by the respondent.

2. It is the contention of the petitioner that she was born on 18.01.1953 and her school certificate would show this date of birth. She had studied upto 4th std., in Government School in Coimbatore. It



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is the further case of the petitioner that when she had informed the respondent about her school certificate, she was asked to submit the same as proof of her date of birth.

3. On 11.09.1997 this certificate was submitted by the petitioner. This certificate has been submitted within 5 years from the date of regularisation. While so the respondent has wrongly recorded the petitioner's date of birth as 01.07.1947 in the service records. Consequently, the respondent had issued a notice of retirement dated 19.01.2007 informing the petitioner that she would attain superannuation on 31.06.2027. It was only on receipt of this notice that she had realised the error committed by the respondent.

4. The petitioner had filed the suit in OS.No.529 of 2007 on the file of the Additional District Munsif, Coimbatore seeking a declaration that her date of birth was 18.01.1953 and consequently direct the respondent to alter the date of birth in the service records as 18.01.1953 and declaring the notice of retirement dated 19.01.2007 as null and



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void and not binding on her.

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5. The Trial Court after considering the evidence on record partly allowed the suit by decreeing the suit only with reference to the date of birth and in respect of all other reliefs the request was declined. Challenging the portion of the decree which went against the petitioner she had preferred an appeal before the I Additional Sub Court, Coimbatore in AS.No.85 of 2012. By the Judgement and Decree dated 11.10.2012 the appeal was allowed and the respondents were directed to enter the date of birth in the service records as 18.01.1953 and declare the retirement notice as null and void.

6. The petitioner thereafter sent legal notice dated 19.11.2012 including certified copy of the Judgement in AS.No.85 of 2012. However, despite receiving the same the respondent had failed to comply with the decree. Therefore, the petitioner would submit that she is deemed to be in service from 01.07.2007 till 18.01.2013 and is entitled to attendant monetary benefits apart from salary.



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7. Challenging the said Judgement, the respondent herein had filed SA.No.878 of 2013 before this Court and the same is pending disposal.

8. Meanwhile the petitioner herein had filed CP.No.215 of 2013 on the file of the Principal Labour Court, Coimbatore seeking monetary benefits for the period of 01.07.2007 to 18.01.2013 to the tune of a sum of Rs.14,22,071/-.

9. The Principal Labour Court dismissed the claim petition on the ground that since the Second Appeal was pending the petitioner did not have the pre existing right to seek computation of wage arrears.

10. Challenging the same the petitioner is before this Court.

11. The respondent has filed a counter inter alia denying the various averments contained in the affidavit filed in support of the Writ

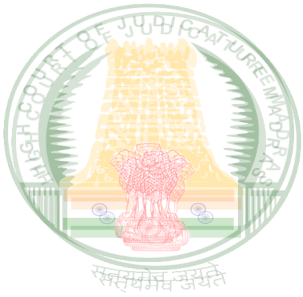


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Petition. The respondent university would submit that the petitioner had never challenged the order of the retirement dated 30.06.2007 and therefore the petitioner cannot maintain the present Writ Petition. The respondent would in this counter pick holes in the Judgement and Decree in SA.No.878 of 2013. Ultimately, the respondent would seek dismissal of the Writ Petition.

12. Heard the learned counsels on the either side and perused the records.

13. A perusal of the order in CP.No.215 of 2013 on the file of the Principal Labour Court would indicate that the despite evidence being let in on either side and proceedings having been held in detail the Presiding Officer had dismissed the petition solely based on the arguments advanced by the respondent that the Civil suit is yet to reach a finality since the Second Appeal was pending. The learned Judge had proceeded to reject the petitioner's claim only on the ground that her claim was premature since the Second Appeal is yet to attain finality.



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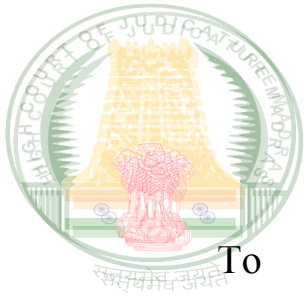
14. Pending this Writ Petition the Second Appeal has been dismissed and the Judgement and Decree of the First Appellate Court has been confirmed. Therefore, the ground on which the Claim Petition has been dismissed is no longer in existence.

15. Therefore, taking note of the fact that the Claim Petition has not been disposed of on merits, the Writ Petition is allowed and the matter is remitted back to the Principal Labour Court, Coimbatore, for a fresh consideration and the same shall be disposed of within a period of 3 months from the date of receipt of a copy of this order. No costs.

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Index : Yes/No
Internet : Yes/No

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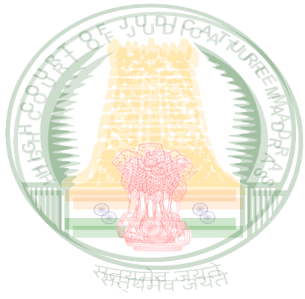
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To

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Coimbatore.

2.The Tamilnadu Agricultural University
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P.T. ASHA, J,

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