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WP No. 45534



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 45534 of 2025

P.Krishnan
S/o.Perumal, D.No.6A/3, Puthukadu,
Sengottaiyan Colony, Periya Modachur,
Gobichettipalayam Post, Erode District.

Petitioner(s)

Vs

The Special Officer,
Gobichettipalayam Agriculture Producers
Cooperative Marketing Society Ltd.,
No.K-544, D.No.90, Modachur Road,
Gobichettipalayam, Erode District.

Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, pleaded to issue Writ of Certiorarified Mandamus, calling for the records pertaining to the Order dated 21.07.2025 made in R.E.P. No.5 of 2022 by the Labour Court, Salem and to quash the same and consequently direct the Respondent herein to pay sum of Rs.4,42,433/- (Rupees Four Lakhs Forty-Two Thousand Four Hundred and Thirty-Three only) to the petitioner within a time limit prescribed by this Honourable Court.

For Petitioner(s): Mr.B. M. Subash

For Respondent(s): Mr.Abishek Murthy,
Government Advocate



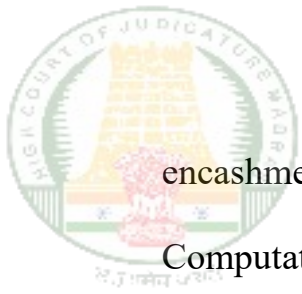
ORDER

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Writ petition is filed for Writ of Certiorarified Mandamus, to call for the records in R.E.P No. 5 of 2022, of the Labour Court, Salem, dated 21.07.2025, to quash the same and consequently direct the respondent to pay sum of Rs.4,42,443/- to the petitioner, within the time frame prescribed by this Court.

2. Mr.Abishek Murthy, learned Government Advocate takes notice for the respondent. With consent of both counsels the writ petition is taken up for final disposal.

3. The petitioner was working as Junior Assistant, with the 3rd respondent. The petitioner was issued with a charge memo on 18.06.2007, for certain misconduct committed by him. Pursuant to the charge memo, domestic enquiry was conducted and the petitioner was dismissed from service, on 22.01.2008. The petitioner challenged the dismissal order before the 1st respondent by way of revision. By order dated 31.05.2010, the 1st respondent modified the punishment from dismissal from service to that of stoppage of increment for a period of one year. The petitioner meanwhile attained super annuation on 28.02.2010, and thereafter he filed Computation Petition in C.P No.15 of 2012, before the Labour Court, Salem, seeking payment of Rs.4,76,873, towards backwages, earned leave



encashment and bonus together with interest. The Labour Court allowed the Computation Petition, vide order dated 22.11.2017, directing the respondent to pay a sum of Rs.4,76,873/- together with 9% interest, within two months, failing which, to pay penal interest at 12%. The petitioner states that the Award passed in C.P by the Labour Court was challenged by the respondent in WP No.25376 of 2022. The petitioner states that during the pendency of the writ petition, the petitioner filed R.E.P.No.5 of 2022, for execution of the Award of the Labour Court and on 01.07.2022, an ex-parte order was passed against the respondent. Thereafter the respondent filed set aside application and the same was dismissed for non-payment of cost. The Labour Court, thereafter issued arrest warrant against the respondent by way of docket order and the same was challenged in WP No.21297 of 2023, before this Court. Meanwhile, the respondent deposited a sum of Rs.4,76,873/- before the Labour Court, on 26.07.2023. On 11.09.2023, the writ petitions filed by the respondent's were disposed. The petitioner pursuant to the order passed by this Court, filed computation memo on 13.12.2024, in R.E.P.No.5 of 2024, claiming interest amount for a sum of Rs.4,42,433/- from 28.02.2010 to 22.11.2017, as per the order of Labour Court dated 11.09.2023. The Labour Court Salem, vide impugned order dated 21.07.2025, dismissed the R.E.P., on the ground that the respondent had paid the amount as per order of the High Court dated 11.09.2023, in WP Nos.25376 of 2022 and 21297 of 2023. Aggrieved by the



impugned order passed by the Labour Court, the petitioner filed the above writ petition for the aforesaid relief.

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4. The learned counsel for the petitioner submitted that the impugned order suffers from non application of mind to the computation memo filed by the petitioner on 13.12.2024, wherein the details of calculation of interest amount of Rs.4,42,433/- was furnished. The learned counsel further submitted that the Labour Court, committed a factual error by holding that the respondent had complied with the order of this Court in full and that this Court modified the Labour Court's Award, dated 22.11.2017. The learned counsel therefore submitted that the petitioner's claim for the interest from 28.02.2010 to 22.11.2017, ought to have been allowed.

5. This Court has considered the submissions of the learned counsels and perused the materials placed on record.

6. The facts are undisputed and therefore, they are not traversed for brevity's sake. The writ petition is filed against the order rejecting the prayer of the petitioner seeking payment of Rs.4,42,433/- towards interest for the period from 28.02.2010 (date of dismissal) to 22.11.2017 (date of award).



7. It is seen that the respondent filed two writ petitions one, challenging the Award passed by the Labour Court in C.P No.15 of 2012, dated 22.11.2017 and another writ petition, challenging the docket order passed by the Labour Court, Salem, in R.E.A.No.1 of 2022 in R.E.P. No.5 of 2022 in CP No.15 of 2012. This Court heard both the writ petitions together and passed the final order. The learned Judge after recording the submissions of both the learned counsels disposed the writ petitions. The relevant paras in the said order read as follows:

“3.The learned counsel appearing for the petitioner society submitted that the petitioner society has to necessarily pay the amount as per the award passed by the Labour Court dated 22.11.2017 in C.P.No.15 of 2012 to the tune of Rs.5,82,439/-. He also submitted that the petitioner society has deposited a sum of Rs.4,76,873/- before the Labour Court on 27.07.2023, in order to avoid the arrest proceedings and the balance amount to be paid to the respondent is Rs.1,05,566/-. Further, he submitted that, though the Labour Court awarded 12% interest, however, this Court may reconsider the same and pass appropriate orders.

4. The learned counsel appearing for the respondent/workman submitted that the original order of dismissal was passed by the petitioner society, against which, the respondent filed revision before the Joint Registrar of Cooperative Societies, Erode under Section 153(1) of Tamil Nadu Co-operative Societies Act and the revisional authority allowed the revision and imposed a punishment of stoppage of increment of one year without cumulative effect and the order has



become final. Subsequently, the respondent superannuated, however, the petitioner society not paid the differential amount from the date of dismissal to till the date of superannuation, thereby, he filed a computation petition under Section 33(C)(2) of the Industrial Disputes Act, 1947. Since the petitioner society has come forward to pay the amount, this Court may pass appropriate orders.

5. The respondent/workman appeared before this Court and agreed to receive 6% interest from the date of award to till the date of deposit.

6. Considering the facts and circumstances of the case and in view of the consent view expressed by the learned counsel appearing for the parties, this Court is inclined to pass the following order :~

(i) the Labour Court, Salem is directed to disburse a sum of Rs.4,76,873/-, which has already been deposited by the petitioner society, to the respondent/workman, within a period of two (2) weeks from the date of receipt of a copy of this order;

(ii) the petitioner society is directed to pay 6% interest from 22.11.2017 to 27.07.2023 for the amount Rs.4,76,873/-. Further, the petitioner society is also directed to pay the balance amount of Rs.1,05,566/- with 6% interest from 27.07.2023 to till the date of deposit”.



8. Upon a reading of the aforesaid order, it is evident that the petitioner herein as a respondent in the writ petition, agreed to receive 6% interest from the date of the Award till date of deposit. This Court recorded the consent of both the learned counsels and disposed of the writ petition. The petitioner, contrary to the consent given by him in the aforesaid writ petitions, filed the calculation memo, seeking interest from 28.02.2010 to 22.11.2017 i.e from the date of dismissal to the date of original Award of the Labour Court in ID. The said claim of the petitioner is contrary to the consent given by him in the aforesaid writ petitions. Therefore, the Labour Court was justified in rejecting the claim of the petitioner.

9. This Court finds that the petitioner having consented to receive interest at 6% from the date of the Award till the date of deposit, cannot now take a volt face and claim interest from the date of dismissal till date of Award. Therefore, this Court finds absolutely no merits in the writ petition and hence, same is dismissed. No costs.

dsn / AP

27-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Special Officer,
Gobichettipalayam Agriculture Producers
Cooperative Marketing Society Ltd.,
No.K-544, D.No.90, Modachur Road,
Gobichettipalayam, Erode District.



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N.MALA J.
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