



WEB COPY



W.P.No.27317 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27317 of 2018

The District Educational Officer,
Sankari Education District
Sankari,
Salem District – 637 301.

... Petitioner

Vs.

S.Veerappan

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the Presiding Officer, Labour Court, Salem relating to the order in C.P.No.25/01 dated 31.08.2006.

For Petitioner : Ms.P.Rajarajeswari
Government Advocate
For Respondent : Mr.K.V.Shanmuganathan

O R D E R

The petitioner has filed this writ petition seeking issuance of



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Writ of Certiorari calling for the records of the Presiding Officer, Labour

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Court, Salem, relating to the order in C.P.No.25/01 dated 31.08.2006.

2.The case of the petitioner is that the respondent was employed temporarily as a Night Watchman in the Government High School, Kokkarayanpet vide proceedings of the petitioner dated 30.09.1982 in an unsanctioned post and his services were terminated in July, 1984 and again he was posted in Government High School, M.Chettipatti from 14.11.1984 and his services were terminated on 05.06.1988 and aggrieved by the same, the respondent raised I.D.No.154 of 1997 and the Labour Court, Salem, passed award dated 18.05.2000, directing the petitioner to reinstate the respondent with continuity of service with 40% backwages. Thereafter, the respondent filed C.P.No.25/01 under Section 33 C (2) of the Industrial Disputes Act praying to sanction Rs.1,57,469/- with 18% interest and the Labour Court, Salem passed order dated 31.08.2006 directing the petitioner to pay a sum of Rs.1,57,469/- towards backwages with 6% interest. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted



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that as per the calculation of the petitioner, the respondent received a

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sum of Rs.1,61,700/- for the period from 01.11.2002 to 31.01.2015 calculating Rs.1,100/- per month. As per the respondent calculation, the monthly salary varies from Rs.1,068/- to Rs.4,057/-, however, the Labour Court without considering the same, passed the impugned order directing the petitioner to pay a sum of Rs.1,57,469/- towards backwages with 6% interest, which is not sustainable one.

4.The learned counsel appearing for the respondent submitted that as against the oral termination, the respondent raised I.D.No.154 of 1997 and the Labour Court, Salem, passed award dated 18.05.2000, directing the petitioner to reinstate the respondent with continuity of service with 40% backwages and as per the said award, the respondent is entitled to claim wages from the petitioner, thereby, the respondent filed C.P.No.25/01 under Section 33 C (2) of the Industrial Disputes Act praying to sanction Rs.1,57,469/- with 18% interest and the Labour Court, Salem passed order dated 31.08.2006 directing the petitioner to pay a sum of Rs.1,57,469/- towards backwages with 6% interest, which warrants no interference.



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5.The learned counsel appearing for the respondent further submitted that as against the award passed by the Labour Court, Salem, dated 18.05.2000 in I.D.No.154 of 1997, the petitioner filed W.P.No.11513 of 2001 and pursuant to the direction issued by this Court in the said writ petition, the petitioner deposited Rs.57,684/- and ultimately, the said writ petition was dismissed by this Court on 03.03.2010 with liberty to the respondent to withdraw the amount lying in deposit to the credit of the industrial dispute and as against the said order, no appeal was preferred by the petitioner. The learned counsel further submitted that the Labour Court after elaborately considering all the factual aspects passed the impugned order, which warrants no interference.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts of the case is not in dispute. Admittedly, as against the order of dismissal, the respondent raised I.D.No.154 of 1997 and the Labour Court, Salem, passed award dated 18.05.2000, directing the petitioner to reinstate the respondent with continuity of service with 40% backwages. Challenging the same, the petitioner filed



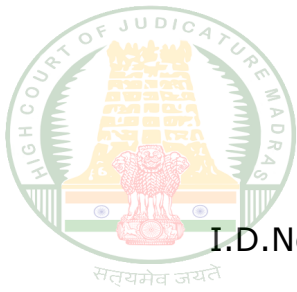
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W.P.No.11513 of 2001 and pursuant to the direction issued by this

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Court in the said writ petition, the petitioner deposited Rs.57,684/- and ultimately, the said writ petition was dismissed by this Court on 03.03.2010. In the meanwhile, the respondent filed C.P.No.25/01 under Section 33 C (2) of the Industrial Disputes Act praying to sanction Rs.1,57,469/- with 18% interest based on the pre existing rights accrued in terms of the award passed in I.D.No.154 of 1997 and the Labour Court, Salem passed order dated 31.08.2006 directing the petitioner to pay a sum of Rs.1,57,469/- towards backwages with 6% interest.

8.Though this Court is not inclined to interfere with the amount awarded by the Labour Court, this Court is inclined to set aside the interest awarded. Since the petitioner has already deposited a sum of Rs.57,684/-, this Court directs the petitioner to deposit a sum of Rs.99,785/- [Rs.1,57,469/- - Rs.57,684/- = Rs.99,785/-], to the credit of I.D.No.154 of 1997 before the Labour Court, Salem, without any interest, within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the respondent is permitted to withdraw the amount lying in deposit to the credit of



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I.D.No.154 of 1997 with interest if any accrued thereunder.

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M.DHANDAPANI,J.
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9.The writ petition is disposed of. No costs.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

The Presiding Officer, Labour Court, Salem.

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