



WP.(MD)Nos.17038 & 17039 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)Nos.17038 & 17039 of 2021
and

WMP.(MD)Nos.13969 & 13973 of 2021

The Management,
Tiruchirappalli District Amaravathy Consumers,
Cooperative Wholesale Stores Ltd.,
Tiruchirappalli.

... Petitioner in both WPs.

Vs.

1.The Presiding Officer,
Labour Court,
Tiruchirappalli.

... 1st Respondent in both WPs.

2.S.Alleam Basha

... 2nd Respondent in
WP.(MD)No.17038 of 2021

3.P.Lalitha

... 2nd Respondent in
WP.(MD)No.17039 of 2021

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned order made in Computation Petition Nos.27 & 28 of 2017 passed by the first respondent dated 19.07.2021 & 08.07.2021 and quash the same.

For Petitioner

: Mr.P.R.Prithviraj



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For R2

: Mr.V.O.S.Kalaiselvam

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COMMON ORDER

The Management, Tiruchirappalli District Amaravathy Consumers, Cooperative Wholesale Stores Ltd., Tiruchirappalli has filed these writ petitions as against the orders passed by the Labour Court, Trichy in the Computation Petition Nos.27 & 28 of 2017 dated 19.07.2021 & 08.07.2021.

2.The respondents/erstwhile employees of the petitioner Management have filed the above petitions before the Labour Court under Section 33-C(2) of the Industrial Act claiming retirement benefits of Rs.1,51,662/- and Rs.1,62,378/- together with interest. The said petitions were partially allowed by the Labour Court directing the petitioner/Management to pay a sum of Rs.82,389/- and a sum of Rs.85,023/- towards earned leave salary within a period of 60 days from the date of order and in default, the employees will be entitled to subsequent interest at the rate of 6% per annum. Aggrieved by these order dated 19.07.2021 & 08.07.2021, the Management has preferred these writ petitions.



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3.The learned counsel appearing for the petitioner / Management submits that the respondents were dismissed from service on 13.07.2022 and 11.07.2022 respectively. As against the respondents, surcharge proceedings were initiated, pursuant to the surcharge order passed under Section 87 of the Tamil Nadu Co-operative Societies Act, dated 26.02.2022. He further submits that the respondents have also filed similar such request before the Controlling Authority under the Payment of Gratuity Act, Trichy and the same was ordered in their favour. The order passed by the Controlling Authority was challenged before the Joint Commissioner of Labour/Appellate Authority and the same was also allowed in favour of the employees. As against these orders, the petitioner/Management has filed separate writ petitions in WP. (MD)Nos.5422 & 5423 of 2019 and the same were disposed of by recording that they were dismissed from service and they have already filed statutory appeal before the authority under the Shops and Establishment Act, 1987 by reserving their rights to workout the remedy. Pursuant to the orders of the authority under the Shops and Establishment Act, the said petitions were disposed of with a direction to keep the orders under abeyance until the outcome of the appeals pending before the authority under the Shops and Establishment Act.



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4.The learned counsel appearing for the petitioner has also produced a copy of the order of this Court in WP.(MD)Nos.5422 & 5423 of 2019 dated 16.06.2025 and relevant paragraph is extracted hereunder:-

6.Challenging the dismissed orders, statutory appeals are pending before the authority under the Tamil Nadu Shops and Establishment Act 1986. Therefore, payment of gratuity by the Management would not arise at this stage. In case, if both the appeals are allowed, the respective workmen would be entitled to seek gratuity. Hence, the orders impugned in the writ petitions shall be kept in abeyance until the outcome of the appeals pending before the authority under the Shops and Establishment Act. If the workmen succeed before the authority under the Shops and Establishment Act, the Management shall be liable to pay the gratuity as per the statutory liability.

5.Considering the fact that the respondents herein have been dismissed from service and statutory appeals are also pending as against those dismissal order and also considering the earlier order passed by this Court in WP.(MD)Nos.5422 & 5423 of 2019, dated 16.06.2025, the impugned orders in this writ petitions shall be kept in abeyance until the outcome of the appeals pending



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before the authority under the Shops and Establishment Act. If the workmen succeed before the authority under the Shops and Establishment Act, the Management shall be liable to pay the amount as ordered by the Labour Court, Trichirappalli. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petition are closed.

22.09.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

The Presiding Officer,
Labour Court,
Tiruchirappalli.



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