



W.P.(MD)No.13425 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.13425 of 2018

N.Muthuchamy

...Petitioner

vs.

1.The Presiding Officer,
Labour Court,
Combined Court Buildings,
Melur Road,
Madurai - 625 020.

2.The Management,
TNSTC (Kum) Limited,
Karaikudi Division,
Karaikudi,

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the order of the first respondent in I.D.No.13 of 2014 dated 23.09.2015, quash the same.

For Petitioner	:	Mr.Y.Arulanandasamy
For Respondents	:	Mr.S.C.Herold Singh for R2 Mr.P.Thambidurai, Government Advocate for R1



W.P.(MD)No.13425 of 2018

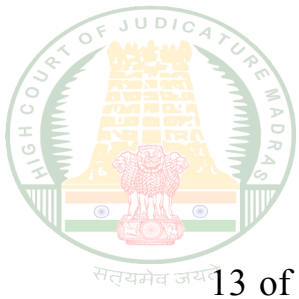
ORDER

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This writ petition was filed challenging the impugned order of the first respondent in I.D.No.13 of 2014 dated 23.09.2015.

2. The learned counsel appearing for the petitioner would submit that, in the present case, the Industrial Dispute in I.D.No.13 of 2014 was dismissed on the aspect of limitation. He would submit that the aspect of limitation will not apply to the present case in view of the proceedings of the Regional PF Commissioner, Chennai dated 25.01.2011 in No.CHN/RO/UCD/ Publicity/2011. In terms of the above proceedings, if there is no claim made by the petitioner within a period of three years, no interest will be paid.

3. The learned counsel would further submit that the above proceedings came into effect 01.04.2011. Initially, the petitioner raised an Industrial Dispute on 11.03.2013 under Section 2(A) of the Industrial Dispute Act, 1947. Pursuant to which conciliation proceedings was held on various dates and the same failed. Therefore, failure report was sent on 03.10.2013 by the Labour Officer. Thereafter, the petition in I.D.No.



W.P.(MD)No.13425 of 2018

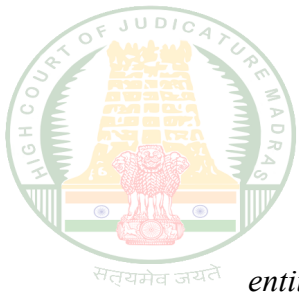
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13 of 2014 was filed and the same came to be dismissed on 23.09.2015.

Therefore, he would submit that the filing of the Industrial Dispute will be well within the period of limitation. Without taking into consideration of this aspect, the Labour Court in a mechanical manner dismissed the same without application of mind. Therefore, the order passed by the Labour Court is liable to be set aside. Further, he would submit that the petitioner is entitled for the provident fund amount as well as gratuity after deducting the arrears of the loan amount, if any.

4. On earlier occasion, the second respondent has filed a calculation. However, this Court was not in agreement with that calculation. Therefore, this Court passed an order dated 27.01.2025 as follows.

"The petitioner has filed additional typed set of documents, wherein the copy of the calculation issued by the second respondent has been furnished, whereby the PF amount is shown as Rs.33,185/- as on 31.03.1997. The learned counsel for the petitioner submits that thereafter, he worked for another year and for that deduction was also made towards PF and he is entitled for the said amount along with interest. Further, he would submit that in the calculation given by the respondent corporation, a sum of Rs.5,500/- is deducted towards the loan amount and the petitioner is not liable to pay anything more than that towards the loan. The learned counsel for the petitioner submits that the petitioner is



W.P.(MD)No.13425 of 2018

WEB COPY

entitled to a sum of Rs.23,940/- being the half salary for a year for 18 years along with 10% interest.

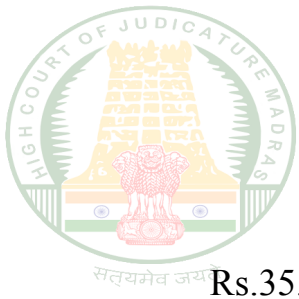
2.In this regard, the second respondent is directed to provide a detailed calculation. In the event if the respondent Corporation is disputing the sum arrived by the petitioner, the second respondent is directed to provide valid reasons for the same.

3.The second respondent is also directed to appear in person before this Court along with all necessary records.

4.List this matter on 28.01.2025 under the caption 'for orders'."

5. Today, Mr.K.Anandha Murugan, Assistant Manager, Tamil Nadu State Transport Corporation (Kumbakonam) Limited appeared to assist this Court as directed by this Court on 27.01.2025.

6. Since only partial calculation was ready when the matter was called today forenoon, this Court passed over the matter. After lunch, the second respondent Authority has made the calculation along with interest, in which case, total amount would come to Rs.1,04,801/-. A perusal of the calculation shows that the balance Provident Fund amount payable to the petitioner after adjustment of the existing loans availed by him, would come to Rs.5,180/-. The gratuity payable to the petitioner is



W.P.(MD)No.13425 of 2018

WEB COPY

Rs.35,765/-. For better clarity, the calculation filed by the second respondent is extracted hereunder.

Employee PF upto 31.03.1997	Rs.7,410/-
PF recovery upto January 1998 for 10 months	Rs.3,470/-
Total of the above	Rs.7,410/- (+) Rs.3,470/- =Rs.10,880/-
Further loan availed	Rs.5,700/-
Balance PF availed at on Corporation	Rs.10,880/- (-) Rs.5,700/- =Rs.5,180/-
Gratuity Payable	Rs.35,765/-
Interest at the rate of 6% for 26 years	Rs.63,856/-
Total amount payable to the petitioner	Rs.5,180/- (+) Rs.35,765/- (+) Rs.63,856/- =Rs.1,04,801/-

7. Considering the submissions made by the learned counsel for the petitioner as well as the learned counsel for the second respondent and in view of the acceptance made by the learned counsel for the petitioner for the calculation submitted by the second respondent for a sum of Rs.1,04,801/- (including interest) as on today up to 28.01.2025, this Court is inclined to direct the second respondent to disburse the amount to the petitioner within a period of eight weeks from the date of



W.P.(MD)No.13425 of 2018

WEB COPY

receipt of a copy of this order. It is made clear that if there is any further delay in disbursing the amount to the petitioner, then the second respondent has to pay interest for the said delay period at the rate of 10% per annum.

8. Accordingly, the writ petition is disposed of. No costs.

28.01.2025

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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Note: Issue Order copy on 31.01.2025

To

The Presiding Officer,
Labour Court,
Combined Court Buildings,
Melur Road,
Madurai - 625 020.



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W.P.(MD)No.13425 of 2018

KRISHNAN RAMASAMY, J.

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W.P.(MD)No.13425 of 2018

28.01.2025