



W.P.(MD)No.565 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.565 of 2017

and

W.M.P.(MD)No.450 of 2017

The Commissioner,
Devakottai Municipality,
Sivagangai District.

... Petitioner

Vs.

K.Ravichandran (Deceased)

2.Alamelu

3.Aishwarya

4.Soundarya

5.Meenal

(R2 to R5 are *suo motu* impleaded vide Court
order dated 27.02.2025 in W.P.(MD)No.656/2017)

... Respondents



W.P.(MD)No.565 of 2017

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the learned Labour Court, Madurai in C.P.No.31/2013 dated 02.12.2016 and quash the same.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.T.Ravichandran for R2 to R5
R1 Died.

ORDER

This Writ Petition has been filed aggrieved by an order dated 02.12.2016 passed by the learned Labour Court, Madurai in C.P.No.31 of 2013, directing for payment of an amount of Rs.6,16,000/- to the first respondent herein towards the amounts due and payable under an award passed in I.D.No.81 of 1998, against the petitioner herein.



W.P.(MD)No.565 of 2017

WEB COPY

2. The main ground on which the impugned order has been challenged is that the first respondent herein had made a claim for payment of Rs.2,99,200/- only in the claim petition filed before the learned Labour Court, but the learned Labour Court erroneously awarded an amount of Rs.6,16,000/- ie., in excess of the amount claimed by the first respondent herein. It is also further contended that the petitioner herein was not afforded sufficient opportunity before the learned Labour Court and without affording any opportunity, learned Labour Court proceeded to pass the impugned award *ex-parte*.

3. Heard Mr.H.Mohammed Imran, learned counsel representing M/s.Ajmal Associates for the petitioner and Mr.T.Ravichandran, learned counsel for the respondents 2 to 5.

4. This Court, having heard the learned counsel on either side, called for original records from the learned Labour Court. On perusal of the original records including the claim petition filed by the petitioner, it is noticed



W.P.(MD)No.565 of 2017

WEB COPY

that the original claim that was made by the first respondent herein for an amount of Rs.2,99,200/- was subsequently got amended by the petitioner for an amount of Rs.6,16,000/- by virtue of the order passed by the learned Labour Court dated 04.07.2014. Therefore, the first ground, on which the impugned order sought to be attacked, is not available to the petitioner.

5. Insofar as the passing of an *ex parte* order is concerned, from the material on record and the original record, it is noticed that the notice has been duly served on the petitioner Corporation in C.P.No.31 of 2013 and as seen from the affidavit filed in support of this Writ Petition, the petitioner Municipality, as a matter of fact, engaged a counsel by name Thiru S.Kumaravel, to appear in C.P.No.31 of 2013, but the said counsel failed to file written statement nor contested the matter. If that be the case, the contention of the learned counsel for petitioner that no opportunity was afforded by the learned Labour Court, does not stand for legal scrutiny. In spite of service of notice and after having engaged a counsel, the petitioner Municipality failed to contest the matter. The learned Labour Court cannot be expected to wait eternally till the petitioner



W.P.(MD)No.565 of 2017

WEB COPY

Municipality takes steps to contest the claim made by the first respondent.

Further the proceeding under Section 33(c)(2) of the Industrial Disputes Act, 1947 is in the nature of execution proceedings and therefore, hardly there is any defence available to the petitioner herein. Except contending that the learned Labour Court granted an amount more than the amount claimed in the claim petition, there is nothing that is brought to the notice of this Court to find fault with the calculation made by the petitioner in the claim petition and the amount awarded in favour of the first respondent herein.

6. In the absence of any dispute or defect pointed out to the satisfaction of this Court, this Court does not see any reason to interfere with the impugned order. In the light of the above, this Court does not find any error or illegality in the impugned order passed by the learned Labour Court.

7. Accordingly, this Writ Petition is dismissed. This Court stayed the impugned order by an order dated 31.01.2017, subject to the condition of depositing Rs.50,000/-. Thus, the respondents herein are deprived for



W.P.(MD)No.565 of 2017

WEB COPY

recovering the amounts due under the impugned order. Hence, this Court in the interest of justice deems it appropriate to direct the petitioner herein to pay the amounts due and payable to the respondents under the impugned order, as expeditiously as possible at any rate, within a period of three months from the date of receipt of a copy of this order. The amounts, if any, available to the credit of C.P.No.31 of 2013, the respondents are at liberty to withdraw the same together with interest if any accrued without furnishing any security. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

15.04.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm



W.P.(MD)No.565 of 2017

WEB COPY

To

The Labour Court, Madurai



WEB COPY



W.P.(MD)No.565 of 2017

MUMMINENI SUDHEER KUMAR, J.

vsm

W.P.(MD)No.565 of 2017

15.04.2025