



W.P(MD)No.28044 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28044 of 2022

J.Venkataraman

... Petitioner

Vs.

The Management,
A-1449, Madurai Coats Thozhilalar
Co-operative Stores Limited,
No.3, Arappalayam Cross Road,
Ponnagaram, Madurai-625 016.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the Presiding Officer, Labour Court, Madurai in C.P.No.48 of 2017, dated 19.06.2019 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondent to provide a sum of Rs.73,380.50 towards lorry rent, loading and unloading charges of paddy bags to the petitioner with accrued interest and pass such further or other orders as this Court.

For Petitioner : Mr.A.Rajaram



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For Respondent : M/s.D.Farjana Ghoushia
Special Government Pleader

ORDER

The present writ petition has been filed by the workman of the respondent Co-operative Society challenging the order passed by the Labour Court, Madurai in C.P.No.48 of 2017, dismissing the computation petition.

2. The petitioner, who was working as a Salesman in the respondent Society was given certain amount as advance for the purpose of procurement of paddy and for transportation of the same. It is the allegation of the Management that, after expending from the said advance amount, a balance of Rs.82,542.44/- was illegally retained by the workman. Therefore, the Management has issued a charge memo on 25.04.2006. The petitioner has submitted his reply on 05.05.2006, 19.05.2006 and on 09.08.2006. Not being satisfied with the explanation offered by the petitioner, the respondent Management has proceeded to pass recovery orders on various dates. These recovery orders were implemented by recovering the amount from the salary of the writ petitioner. The petitioner has attained superannuation on 30.06.2009. Thereafter, the present claim petition has been filed in the year 2017 alleging



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that these recoveries are bad in the eye of law and the said amount has to be paid by the Management to the workman.

3. The Labour Court after considering the submissions made on either side, after relying upon various judgments, has arrived at a finding that the petition under Section 33C(2) of the Industrial Disputes Act, 1947 is not maintainable, in view of the fact that the Labour Court cannot adjudicate a dispute with regard to the entitlement or basis of claim of a workman. Challenging the said award, the present writ petition has been filed.

4. According to the learned Counsel appearing for the writ petitioner, though vouchers have been produced by the writ petitioner indicating the fact of expenses meted out by him from the advance amount, without considering those vouchers, illegally recovery orders have been passed. When he was about to retire, the entire amount was recovered from him and therefore, he could not object to the same. Since the recovery orders are illegal, he had filed a claim petition before the Labour Court. He further contended that there is no dispute with regard to the quantum of wages and hence, the deduction from the wages



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are illegal and therefore, the invocation of Section 33C(2) of the Industrial Disputes Act is legal.

5. Per contra, the learned Counsel appearing for the respondent Society submitted that the petitioner herein has accepted the recovery orders and has given an undertaking letter on 09.08.2006 agreeing to deduct those amounts from his wages. In case, if the deductions from the wages are not in accordance with law, the petitioner cannot invoke Section 33C(2) of the Industrial Disputes Act that has to approach the authorities under a different enactment. Hence, she contended that the Labour Court has rightly held that, a computation petition under Section 33C(2) of the Industrial Disputes Act is not maintainable.

6. Heard both sides and perused the materials available on record.

7. The facts narrated above will clearly indicate that recovery orders have been passed from the salary of the writ petitioner in the year 2006, 2007 and 2008. Based upon these recovery orders, the recovery has already been effected from the salary of the writ petitioner. In case, if the recovery from the wages are illegal, the petitioner has to approach the authorities under the Payment of



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Wages Act. In such circumstances, when the entitlement of the writ petitioner to the said amount is under dispute, the Labour Court cannot invoke its jurisdiction under Section 33C(2) of the Industrial Disputes Act, which is akin to the execution proceedings. Therefore, the Labour Court has rightly arrived at a finding that the computation petition initiated by the writ petitioner is not maintainable in the eye of law. Hence, there are no merits in the writ petition. This writ petition stands dismissed. However, the petitioner is at liberty to approach the authorities under the Payment of Wages Act, if he is so advised. There shall be no order as to costs.

27.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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R.VIJAYAKUMAR, J.

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