



WP(MD). No.31594 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.11.2025

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.31594 of 2025
and
WMP(MD)No.24768 of 2025

The Management,
Q.849, Aruppukottai Industrial Weavers'
Co-operative Society,
Aruppukottai.

... Petitioner

versus

P.K.Duraisamy
S/o.Karuppaiah,
London Compound, Near Lakshmi Theatre,
Ajeesh Nagar,
Aruppukottai.

C/o.AITUC Reg. 1253,
Then Mandala Kooturavu Paniyalar Sangam,
46, Puttu Thoppu Road,
BM Complex, Madurai – 16.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari, to call for the records of
the Labour Court, Madurai, pertaining to claim petition in C.P.No.



WP(MD). No.31594 of 2025

30/2018 and the order dated 20.01.2025 passed therein and quash the same.

For Petitioner : Mr.M.Ganesan

ORDER

The Management of Q.849, Aruppukkottai Industrial Weavers Co-operative Society has filed this writ petition as against the order passed by the Labour Court, Madurai, in C.P.No.30 of 2018 dated 20.01.2025.

2. This claim petition was filed by the respondent, an employee of the Co-operative Society, under Section 32(C)(2) of the Industrial Disputes Act, seeking wages of Rs.3,17,152/- as per the award passed by the Labour Court in I.D.No.243 of 2001.

3. The respondent was engaged as a night watchman in the petitioner Society. He was retrenched from service on 19.05.2001. Therefore, he raised an industrial dispute before the Labour Court, Madurai, in I.D.No.243 of 2001 and also filed a claim petition in C.P.No. 121 of 2001. The Labour Court, Madurai, by award dated 08.07.2008,



WP(MD). No.31594 of 2025

allowed both the industrial dispute as well as the claim petition, directing the petitioner Society to reinstate the respondent with continuity of service and also directed the petitioner Society to pay a sum of Rs.1,21,908/- to the respondent. Challenging the same, the petitioner Society has filed a writ petition before this Court in W.P.(MD)No.373 of 2009. This Court, by order dated 08.03.2017, dismissed the writ petition, confirming the award passed by the Labour Court, Madurai and also directed the petitioner Society to reinstate the respondent into service with continuity of work and to pay a sum of Rs.1,21,908/- as per the order of the Labour Court, Madurai, in C.P.No.121 of 2001 dated 08.07.2008, to the respondent within a period of three weeks.

4. Aggrieved over the same, the petitioner Society has preferred a writ appeal with delay and the application to condone the delay in filing the appeal is still pending. In the meantime, the respondent/employee has filed another claim petition in C.P.No.30 of 2018, before the Labour Court, Madurai, under Section 33(C)(2) of the Industrial Disputes Act, claiming wages of Rs.3,17,152/-. The Labour Court, Madurai, by order dated 20.01.2025, allowed the claim petition and directed the petitioner



WP(MD). No.31594 of 2025

Society to pay the monetary benefits of Rs.2,20,353/- together with interest at the rate of 6% p.a. from date of petition till the date of realization and also directed the petitioner Society to pay the amount, on such terms, within a period of three months. Aggrieved over the same, this writ petition has been filed on 25.10.2025, (ie) after the time prescribed by the Labour Court for payment of monetary benefits.

5. The main contention of the petitioner Society is that the award passed by the Labour Court in I.D.No.243 of 2001 is challenged by way of filing a writ appeal before the Division Bench of this Court and the same is pending in W.A.(MD)SR.No.12711 of 2019. Therefore, the impugned order passed in the claim petition in C.P.No.30 of 2018, based on the award in I.D.No.243 of 2001 is not proper. According to the learned counsel, the Society has become dormant and it has an accumulated loss of Rs.50 lakhs, having no source to pay salary to the existing employees and only thereafter, unnecessary employees were retrenched in the year 2001 and the respondent was also retrenched from service as his service was not required by the Society. However, the Labour Court, without considering the same, has passed the impugned



WP(MD). No.31594 of 2025

order.

WEB COPY

6. The learned counsel appearing for the petitioner Society submits that the Society is having a good case in the writ appeal, which is now pending in W.A.(MD)SR.No.12711 of 2019.

7. This Court considered the submission of the learned counsel for the petitioner.

8. The order impugned in this writ petition is the order passed by the Labour Court in the claim petition in C.P.No.30 of 2018.

9. The above claim petition was filed by the respondent under Section 33(C)(2) of the Industrial Disputes Act, based on the award passed by the Labour Court in I.D.No.243 of 2001. This award was challenged by the petitioner Society in W.P.(MD)No.373 of 2009 and the same was dismissed by this Court, by order dated 08.03.2017. Though the petitioner Society claims that a writ appeal has been filed, the same is pending in W.A.(MD)SR.No.12711 of 2019. Therefore, this Court



WP(MD). No.31594 of 2025

cannot find fault with the findings of the Labour Court, Madurai, in allowing the claim petition filed by the respondent, based on the award passed in I.D.No.243 of 2021, which was confirmed by this Court in W.P. (MD)No.373 of 2019.

10. Accordingly, this writ petition is dismissed with liberty to the petitioner Society to workout their remedy in the writ appeal pending before this Court in WA(MD)SR.No.12711 of 2019. The petitioner Society can release the claim amount, subject to some security from the respondent. No costs. Consequently, connected miscellaneous petition is closed.

13.11.2025

ogy

Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.



WP(MD). No.31594 of 2025

To
WEB COPY

P.K.Duraisamy
S/o.Karuppaiah,
London Compound, Near Lakshmi Theatre,
Ajeesh Nagar,
Aruppukottai,
and
C/o.AITUC Reg. 1253,
Then Mandala Kooturavu Paniyalar Sangam,
46, Puttu Thoppu Road,
BM Complex, Madurai – 16.



WEB COPY



WP(MD). No.31594 of 2025

B.PUGALENDHI, J.

ogy

WP(MD) No.31594 of 2025

13.11.2025