Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 16073 of 2021

and WMP.No.16998 of 2021

CNR: {HCMA010887742021}

The Management
10661 Vedharanyam Primary, Agricultural Co-operative Credit Society, Rep. by its secretary,
Vedharanyam, Nagapattinam District.

..Petitioner(s)

Vs

S.Kannan,
S/o.Subrayan, No.217, Sethurashtha,
Vedharanyam, Nagapattinam District.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the award passed by the Labour Court, Cuddalore in C.P. No.25 of 2011 dated 17/05/2021 and to quash the same.

For Petitioner(s): M/S.V.R.Thangavelu

For Respondent(s): M/s.R.Muruga Bharathi

ORDER

The petitioner Management has approached this Court against the impugned order dated 17.05.2021 passed in C.P.No.25 of 2011. By the impugned order, the computation petition filed under Section 33 C (2) of Industrial Disputes Act, 1947 has been allowed by directing the petitioner to

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deposit a sum of Rs.2,15,955/- towards back wages.

2. The fact on record reveal that the respondent was an employee in the petitioner Co-operative Society as a daily wage worker. His service was terminated and therefore he had approached the labour Court in I.D.No.147 of 1999 and secured a favourable award on 16.10.2003. By the aforesaid order, the labour Court has ordered reinstatement without back wages. The order of the labour Court was not complied with, instead the award of the labour Court was the subject matter of the challenge in W.P.No.38848 of 2003.

3. Initially, the petitioner had secured an interim order on 31.12.2003. Eventually, the said writ petition was withdrawn on 06.08.2009. According to the petitioner, this writ petition was withdrawn by the Management in collusion with the respondent. It appears that as against withdrawal of the writ petition on 06.08.2009, the petitioner had also filed WP.No.25093 of 2025 which came to be dismissed on 12.11.2025. In the meanwhile, the respondent had also approached this Court in W.P.No.20050 of 2010 for a mandamus to direct the petitioner to implement the order of the labour Court in I.D.No.147 of 1999 dated 16.10.2003. The writ petition was however dismissed by this Court on 02.09.2010 with the following observations.

"3. After the amendment, there is a provision for execution of an award of the Labour Court under Section 11-B of the Industrial

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Disputes Act, 1947. Alternatively, the petitioner should approach the Government for the issue of a certificate of recovery in terms of the award. However, the learned counsel for the petitioner stated that behind the back of the petitioner, the management filed a writ petition and withdrew the same as though the matter was settled, though it was not settled. This is a matter, which can be considered by the Labour Court in the execution petition filed by the petitioner".

4. Thus rights of the petitioner is protected by the aforesaid order of this Court dated 02.09.2010. Admittedly the petitioner has deposited the amount determined in C.P.No.25 of 2011 on 22.11.2016 and on 01.09.2021 by depositing a sum of Rs.67,500/- and further a sum of Rs.1,48,455/-. Thus there is no merits to be challenged to the impugned award of the labour Court dated 17.05.2021 in C.P.No.25 of 2011 of the Labour Court, Cuddalore. In case the respondent initiates appropriate Execution Proceedings, it is open for the petitioner to take advantage of Section 47 as has been observed by this Court in its order dated 02.09.2010 in W.P.No.20050 of 2010.

5. Accordingly, this writ petition stands dismissed with liberty. No costs. Consequently connected miscellaneous petition is also closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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C.SARAVANAN, J.

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