

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13237 of 2016
and
W.M.P.Nos.11615 & 11616 of 2016

The Management of
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., Erode Region,
Chennimalai Road, Erode - 1. Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Salem.
2. S.Nagarajan
S/o.Sundaram Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the Labour Court, Salem, made in REP.No.34 of 2014 in I.D.No.352 of 2003 dated 06.06.2015 and quash the same.

For Petitioner : Mr.P.Kannan Kumar

सत्यमेव जयते
O R D E R

Heard Mr.P.Kannan Kumar, the learned standing counsel for the petitioner.

2. The Petitioner is the Management of Tamil Nadu State Transport Corporation (Coimbatore) Ltd. Petitioner has challenged the order passed by the Labour Court in REP No.34 of 2014 in I.D.No.352 of 2003 dated 06.06.2015. By the said order, a warrant of arrest has been issued to the Management for non-compliance of the order in I.D.No.352 of 2003.

3. Learned standing counsel for the petitioner submitted that in order to avoid arrest, amount of Rs.33,252/- has been

paid to the second respondent workman by cheque dated 11.06.2013. The remaining amount of about Rs.1,25,000/- has been deposited to the credit of REP No.34 of 2014 on 04.04.2016. Therefore, the petitioner seeks to set aside the order passed in REP.No.34 of 2014 in I.D.No.352 of 2003 dated 06.06.2015.

4. According to the petitioner they have complied with the condition and part of the amount has been paid to the workman and the remaining has been deposited to the credit of execution petition. In the said circumstances, nothing prevents the petitioner Management to place all the facts before the labour Court. Hence, based on the grounds raised by the petitioner, the impugned order cannot be quashed. After full satisfaction of the amount, the petitioner Management shall place all the materials before the Execution Court and if the Court is satisfied it can record full satisfaction or otherwise the Execution Court / the Labour Court is entitled to proceed in accordance with law. The relief sought for in this writ petition cannot be granted at this stage.

The Writ Petition is dismissed. No costs. The petitioner is at liberty to approach the labour Court and place all materials before it. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

The Presiding Officer, सत्यमेव जयते
Labour Court,
Salem.

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.22580

W.P.No.13237 of 2016

RSY(CO)
CA(26/04/2016)