

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

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THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 30505 of 2013

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M.P. Nos. 1 of 2013 & 1 of 2015

The Management of Enkem Engineers (P) Ltd.,
rep. by its Director,
No.824, Poonamallee High Road,
Chennai 600 010. ..Petitioner

Vs.

1. Presiding Officer,
I Additional Labour Court,
Chennai,
High Court Campus,
Chennai 600 104.
2. C.Rajendran ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the concerned records from the 1st respondent, quash the order of the 1st respondent Labour Court in C.P. NO. 412 of 2010 dated 12.09.2013 in so far as directing the petitioner to pay a sum of Rs.37,240/- to the 2nd respondent for the period from February 2003 to December 2009 towards bonus, directing to pay Rs.2,58,020/- to the 2nd

respondent along with interest @ 12% per annum as illegal, arbitrary and contrary to law.

For Petitioner :: Mr.Balan Haridas

For Respondents :: Mrs.A. Kalaiselvi for R2

O R D E R

The Management has come before this Court challenging the order 12.09.2013 passed by the I Additional Labour Court in C.P. No. 412 of 2010 by which the petitioner was directed to pay a sum of Rs.2,58,020/- towards backwages and bonus with interest @ 12% per annum to the 2nd respondent.

2. Today, when the matter is taken up, it is seen that out of the total sum of Rs.2,58,020/- payable by the petitioner Management to the 2nd respondent, pursuant to a conditional order dated 06.03.2013 passed by the Labour Court in I.A. No. 366 of 2011, which was filed to condone the delay in filing the Claim Petition in C.P. No. 412 of 2010, the petitioner had already deposited a sum of Rs. 1 lakh, by way of Demand Draft bearing No. 596112, D.D. No. 935961124, drawn on Indian Overseas Bank, Nehru Park Branch, Chennai dated 15.03.2013. Further, during the pendency of the writ petition, the petitioner expressed their intention to pay a sum of Rs. 1,20,780/-, directly to the 2nd respondent and also to deposit Rs.37,240/- before the

Labour Court. Though this Court directed the petitioner to do so, the sum of Rs.1,20,780/- was refused to be received by the 2nd respondent and therefore, the petitioner deposited the same as well as the bonus amount of Rs.37,240/- before the Labour Court.

4. Since the entire amount has been deposited by the petitioner and out of the above amounts deposited, the 2nd respondent, even before the adjudication of the Claim Petition, has filed I.A. No. 391 of 2013 in the said C.P., which was allowed by the Labour Court on 18.07.2013, pursuant to which the 2nd respondent has also withdrawn a sum of Rs.1 lakh, the 2nd respondent is entitled to withdraw the balance amount of Rs. 1,58,520/- from the deposit of the Labour Court. As the entire awarded by the Tribunal has been deposited by the petitioner and the 2nd respondent has also been permitted to withdraw the amount, nothing survives and the writ petition is disposed of. No costs. Connected M.P.s are closed.

21.07.2016

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N. KIRUBAKARAN,.J

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