

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.A.Nos.172 to 176 of 2016

M/s MRF Ltd.,
represented by its General Manager
Arakkonam Tiruttani Main Road
Ichiputhur, Arakkonam Taluk ... Appellant in all the appeals

-vs-

1. The Presiding Officer
Industrial Tribunal
Chennai ... 1st Respondent in all the appeals
2. K.Kumar ... 2nd Respondent in W.A.No.172 of 2016
3. S.Mathivanan ... 2nd Respondent in W.A.No.173 of 2016
4. G.Krishnan ... 2nd Respondent in W.A.No.174 of 2016
5. V.Divijendran ... 2nd Respondent in W.A.No.175 of 2016
6. K.Jaganathan ... 2nd Respondent in W.A.No.176 of 2016

Appeals under Clause 15 of the Letters Patent, against the order dated 20.01.2016 made in M.P.Nos.1 of 2015 in W.P.Nos.34791, 34824, 34855 of 2013, 145 & 147 of 2014.

MP.Nos.1/15 in WP.34791, 34824, 34855/2013 & 145 & 147/2014:

Petitions praying that in there circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to direct the second respondent/Writ petitioner to pay a sum of Rs.15,000/- per month respectively pending WP.34791, 34824, 34855/2013, 145 & 147/2014 writ petitioners are filed U/Art.226 of the constitution of India may pleased to issue a writ of certiorari to call for the records connected with A.P. No.69 of 1995 on the file of 1st Respondent Industrial Tribunal, Chennai and to quash this order dt. 18.09.2013 (day with A.P.58 & 124/1995) made therein and to pass such further order.

For Appellant :: Mr.Sanjay Mohan for
M/s S.Ramasubramaniam & Associates
For Respondents:: R1-Tribunal
Mr.V.Prakash
Senior Counsel assisted by
Mr.K.Sudalaikannu
for R2 in all appeals

JUDGMENT

(Judgment of the Court was made by HULUVADI G.RAMESH, J.)

These appeals by the Management of M/s MRF Limited are against the interim order of the learned single Judge, directing them to pay a sum of Rs.7,500/- per month to each of the second respondent-workman from January, 2016 onwards, without prejudice to the rights of the Management and the Workmen, till the writ petitions are finally decided.

2. Heard the learned counsel for the appellant/Management and also the learned senior counsel representing all the second respondent/Workmen.

3. It appears that aggrieved by the order passed by the first respondent/Industrial Tribunal dismissing the approval petitions filed under Section 33(2)(b) of the Industrial Disputes Act, the Management has filed the writ petitions and obtained an order of stay of the order passed by the first respondent-Tribunal subject to the deposit of 25% backwages in each case. Subsequently, when the miscellaneous petitions were taken up, after recording the statement made by the learned counsel for the Management, a sum of Rs.15,00,000/- each was directed to be deposited before the Tribunal without prejudice to their contentions in the writ petitions in respect of two workmen and that the two workmen were also permitted to withdraw a sum of Rs.7,50,000/- with a further direction to the first respondent-Tribunal to invest the balance amount in a nationalised bank in fixed deposit. In the interregnum, the other miscellaneous petitions for stay in respect of three workmen were also heard separately and the order of stay granted already was made absolute on condition of payment of Rs.7,50,000/- each by the Management to the other three workmen, pending the writ petitions. Thereafter, at the instance of the workmen, the impugned order came to be passed by the learned single Judge, which is under challenge in these appeals.

4. Be that as it may, when the writ petitions are now pending, the appellant/Management can very well get the matters agitated before the learned single Judge. In our view, the writ appeals do not survive for consideration only to entertain the interim order passed, as that would have satisfied either the requirement of the Workmen towards 17-B wages or otherwise also as an interim measure shown to the Workmen accordingly, to be clarified. However, to settle the issue once and for all, we feel that the writ petitions have to be finally decided by the learned single Judge. Accordingly, we request the learned single Judge to dispose of the main writ petitions after hearing both the parties in accordance with law, within a period of three months from the date of receipt of a copy of this order. All the contentions are left open to be urged by both the parties

before the learned single Judge in the pending writ petitions. Since the Workmen have already been paid with a sum of Rs.7,50,000/- each and the remaining amount is also lying in deposit, though in respect of two workmen, as a sufficient security, the issue may not be precipitated by the parties. With these observations, the writ appeals are disposed of accordingly. Consequently, C.M.P.Nos.2436 to 2440 of 2016 are closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer
Industrial Tribunal
Chennai.

+5ccs to Mr.K. Sudalaikannu, Advocate, S.R.No.45171 to 45175
+1cc to M/s. S. Ramasubramaniam, Advocate, S.R.No.45105

KJI (CO)
EU(26/08/2016)

W.A.Nos.172 to 176 of 2016

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