

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.A. No.531 of 2016 and C.M.P. No.7219 of 2016

The Management
Dinakaran Daily Newspaper
Kal Publication Pvt. Ltd.
299, Kutchery Road
Mylapore, Chennai 600 004
represented by its Manager - Admin.

Appellant

vs.

1 The Presiding Officer
Labour Court, Salem

2 R. Mohanraja

Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order dated 29.02.2016 passed in M.P. No.1 of
2015 in W.P. No.1445 of 2015.

M.P No.1 of 2015:

Petition Praying that in the circumstances stated therein
and in the affidavit filed therewith the high Court will be
pleased to grant Interim Stay of the award dated 13.12.2012
passed in I.D.No.42 of 2007, passed by the 1st respondent and
all further proceedings pursuant to the said award, pending
disposal of W.P.No.1445/15.

W.P.1445/2015:

Petition praying in the circumstances stated therein and in
the affidavit filed therewith the High Court will be pleased to
issue a Writ of Cettiorari Calling for the records of the 1st
respondent relating to the award dated 13.12.2012 passed in
I.D.No.42 of 2007 and quash the same.

For appellant Mr. J. Ravindran
for Mrs. M. Sneha

JUDGMENT

(delivered by SATISH K.AGNIHOTRI, J.)

This intra-Court appeal is directed against the order dated 29 February 2016 passed in M.P. No.1 of 2015 and W.M.P. No.4770 of 2016 in W.P. No.1445 of 2015.

2 To avoid verbosity, the parties are referred to as per their litigative status in this intra-Court appeal.

3 The appellant Management filed the instant writ petition being W.P. No.1445 of 2015 assailing the award dated 13 December 2012 passed in I.D. No.42 of 2007 preferred by the second respondent employee, in and by which, the second respondent's claim was partly allowed by the first respondent-Labour Court, holding that the termination of the second respondent employee is illegal and as such, he is entitled to backwages from 21 February 2006 to 31 May 2008 and further, directing the appellant Management to calculate and provide backwages and all other attendant benefits for the aforesaid period, to the second respondent employee

4 When the writ petition was admitted on 27 January 2015, an order of interim stay was granted in M.P. No.1 of 2015. Seeking to vacate the said order of interim stay, the second respondent employee preferred W.M.P. No.4770 of 2016.

5 The learned Single Judge, on 29 February 2016, while dealing with the Stay Petition and Vacate Stay Petition, considering the penurious state of the second respondent employee, directed the appellant Management to deposit a sum of Rs.2 lakhs to the credit of I.D. No.42 of 2007 on the file of the first respondent-Labour Court, within a period of eight weeks and further, permitted the second respondent employee to withdraw the same by filing an appropriate application before the first respondent-Labour Court. It was further observed by the learned Single Judge that any failure on the part of the appellant Management in complying with the direction to make deposit, would result in the order of stay being vacated automatically. Thereagainst, the appellant Management is before us in this intra-Court appeal.

6 The learned counsel for the appellant Management submits that the second respondent employee was paid a sum of Rs.2,99,595/- just before his retirement, which fact was not considered by the learned Single Judge while making the order of interim stay absolute.

7 At this stage, we are not inclined to interfere with the order passed by the learned Single Judge, sought to be impugned in this intra-Court appeal. However, the appellant Management is at liberty to file a review petition before the learned Single Judge, if so advised, as per law. Further, on the request made by the learned counsel for the appellant Management, the time granted by the learned Single Judge, to make deposit of Rs.2 lakhs, is extended by two weeks from the date of its expiry.

This intra-Court appeal stands disposed of in the above terms. Costs made easy. Connected C.M.P. is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Salem.

+1cc to Mr.M.Sneha, Advocate, S.R.No.26527

W.A. No.531 of 2016

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