

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Eighteenth day of September Two Thousand Eighteen

PRESENT

THE HON`BLE DR. JUSTICE S.VIMALA

WMP NOS.2966, 9834 & 9835 OF 2016

IN WP NO.3603 OF 2016

THE MANAGEMENT [PETITIONER IN WMP.2966/16
WABCO INDIA LIMITED PLANT-1, & 2ND RESPONDENT IN WMP.9834 & 9835/16
NO.3, 3RD MAIN ROAD,
AMBATTUR, CHENNAI-600 058.

Vs

1 PRESIDING OFFICER [1ST RESPONDENT IN ALL THE PETITIONS]
I ADDITIONAL LABOUR COURT,
CHENNAI.

2 V.ELUMALAI [2ND RESPONDENT IN WMP.2966/16
AND PETITIONER IN WMP.9834 & 9835/16]

Petitions praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to grant interim stay of the award dated 23.09.2015 in I.D.No.65/2013 on the file of the first respondent, Presiding Officer, First Additional Labour Court, Chennai, (in WMP.2966/2016);

(ii) Vacate the interim stay granted on 01.02.2016 in WMP No.2966 of 2016 in WP.No.3603 of 2016 (in WMP.9834/2016) and

(iii) direct the 2nd Respondent/Writ Petitioner Management to pay the petitioner herein his last drawn monthly of Rs.13,800/- every month commencing from September 2015 (in WMP.9835/16) respectively pending WP.No.3603 of 2016.

Order : These petitions coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.MANO HAR GUPTA, for M/S.GUPTA & RAVI Advocate for the petitioner in WMP.2966/16 and for the 2nd respondent in WMP.9834 & 9835/16 and of MR.K.BHARATHI Advocate for the 2nd respondent in WMP.2966/16 and for the petitioner in WMP.9834 & 9835/16 the court made the following order:-

This Court, vide order dated 15.4.2016, directed the petitioner/Management to deposit a sum of Rs.2.50 Lakhs and the 2nd

respondent/workman was permitted to withdraw a sum of Rs.1.25 Lakhs and the balance to be kept in interest accruing fixed deposit till the disposal of the writ petition. Further direction was issued to pay the workman the last drawn wages from the date of filing of the writ petition till disposal and the arrears to be paid within a period prescribed in the said order.

2. Today, when the matter is taken up, learned counsel for the petitioner submits that the order passed by this Court on 15.4.2016 has been complied with. However, it is submitted by the learned counsel for the petitioner, that the petitioner is agreeable to reinstate the workman, however, without prejudice to his rights and contentions in the writ petition. The learned counsel for the 2nd respondent/workman is also agreeable for the said course.

3. In such circumstances, the order dated 15.4.2016 is modified directing the 2nd respondent to report for duty before the writ petitioner within a period of two weeks from the date of receipt of a copy of this order. On such engagement, the 2nd respondent/workman shall be paid the current wages. However, it is made clear that the joining of the 2nd respondent/workman in service and payment of wages to him would be without prejudice to the claim and contentions raised in the writ petition.

-sd/-

18/09/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

PRESIDING OFFICER,
I ADDITIONAL LABOUR COURT, CHENNAI.

C.C. to M/S.GUPTA AND RAVI Advocate SR.No.11262

C.C. To M/S.K.BHARATHI Advocate SR.No.11276

Order
in WMP.2966, 9834 & 9835/2016
in

WP.3603/2016

Date :18/09/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format

VS 03.05.2016

SDR 18.09.2018 (IT)