



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the First day of July Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.5826 of 2016
IN
WA(MD) No.SR22864 of 2016

THE MANAGEMENT,
0.2096 MUTHUKRISHNAPURAM PRIMARY
AGRICULTURAL CO-OP CREDIT SOCIETY,
KRISHNAPURAM,
KADAYANALLUR TALUK,
TIRUNELVELI DISTRICT-627 759,
REP. BY ITS PRESIDENT.

... PETITIONER/APELLANT

Vs

1 THE PRESIDING OFFICER,
LABOUR COURT, TIRUNELVELI,

2 A.RAMESH BABU,

... RESPONDENTS/RESPONDENTS

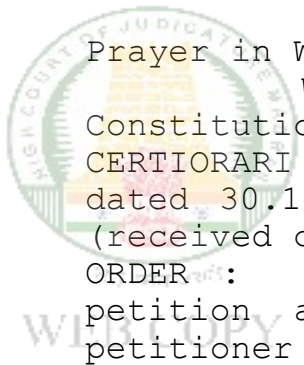
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Condone the delay of 141 days in filing the present writ appeal against the order dated 15.12.2015 passed by the learned Judge in MP (MD) No.1 of 2015 in WP(MD) No.22904 of 2015 and thereby render justice.

PRAYER IN WA(MD)NO.SR22864/2016 :

Memorandum of Grounds of Writ Appeal against the order dated 15.12.2015 passed by this Hon'ble Court in MP(MD)No.1 of 2015 in WP (MD) No.22904 of 2015 insofar as it relates to the condition of depositing 50% of the award amount, as ordered by the first respondent in C.P.No.12 of 2014 and permitting the 2nd respondent to withdraw the said amount is concerned on the file of this Hon'ble Court.

Prayer in MP(MD). 1/ 2015 in WP(MD).22904/2015 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an AD INTERIM STAY of operation of the impugned order dated 30.12.14 (received on 04.02.15) passed by the 1st respondent in C.P.No.12 of 2014 pending disposal of the above writ petition



Prayer in WP(MD). 22904/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARI calling for the records relating to the impugned order dated 30.12.14 passed by the 1st respondent in C.P.No.12 of 2014 (received on 04.02.15) and quash the same.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and the petitioner not appearing in person on by an advocate the court made the following order:-

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO, J**)

None appears for the petitioner/appellant.

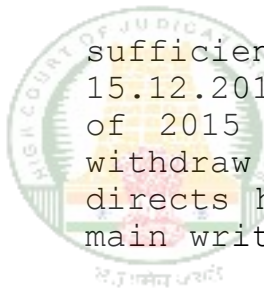
2.This application is moved seeking condonation of delay of 141 days in filing the accompanying writ appeal. In the affidavit filed in support of this application, though no reasonable ground is made out nor was any satisfactory explanation offered for the delay of 141 days in preferring the appeal but nonetheless, we have examined the matter on merits.

3.The writ appeal has been preferred challenging the correctness and validity of the order passed by the learned single Judge on 15.12.2015 in M.P(MD)No.1 of 2015 in W.P.(MD)No.22904 of 2015 to the extent that this Court has directed the petitioner/appellant to deposit 50% of the amount awarded by the Labour Court, within six weeks.

4.We are a little bit surprised as the very appellant has preferred W.M.P.(MD.No.6260 of 2016 in the writ petition seeking extension of further time of eight weeks to comply with the order passed earlier on 15.12.2015. Considering the said application, this Court by its order dated 26.04.2016 extended the time by two weeks from the date of receipt of a copy of the order. In other words, the petitioner/appellant has approached this Court seeking extension of time for complying with the orders passed by the learned single Judge on 15.12.2015. After having secured extension of time, the present writ appeal is preferred on 07.06.2016.

5.Writ Petition (MD)No.22904 of 2015 has been preferred by this very appellant challenging the correctness of the order passed on 30.12.2014 by the Labour Court, Tirunelveli in C.P.No.12 of 2014. Thus, the Labour Court's order is in fact passed as long as back on 30.12.2014 and it was also received by the appellant on 04.02.2015 but so far the same remained not complied with. Hence, we have no hesitation to hold that there is no merit in this writ appeal. Further, the workman concerned who has succeeded in establishing his claim before the Labour Court, cannot be denied completely the benefit of his success.

6.This apart, this Court has already protected the interest of the appellant/petitioner by asking it to deposit only 50% of the amount awarded by the Labour Court. In our opinion, it would be



sufficient, if we add one more rider to the order passed on 15.12.2015 by this Court in M.P(MD)No.1 of 2015 in W.P.(MD)No.22904 of 2015 by observing that the respondent workman is entitled to withdraw the said money, subject to restitution, in case, this Court directs him to do so at any later point of time while deciding the main writ petition.

7.Hence, the application seeking condonation of delay of 141 days in filing the accompanying writ appeal and the accompanying writ appeal stand dismissed, subject to the observation made above.

sd/-
01/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE PRESIDING OFFICER,
LABOUR COURT, TIRUNELVELI,

+1CC to Mr.M.E.Ilango, Advocate Sr.No.34857
GJM/GSV/PM/SAR-I-12.7.16-3P-3C

ORDER
IN
CMP(MD) No.5826 of 2016
IN
WA(MD) No.SR22864 of 2016
Date :01/07/2016