

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.1161 and 1162 of 2017
and
C.M.P.Nos.16187 to 16189 of 2017

The Joint Managing Director,
Tamil Nadu Co-operative Milk Producers' Federation Limited,
Ambattur,
Chennai-600 098.

.... Appellant in both the appeals/Petitioner

-vs-

1.The Presiding Officer,
I Additional Labour Court,
City Civil Court Buildings,
Chennai-600 004.

2.M.Udayan Respondents in both the appeals/
2nd Respondent and 1st Respondent

W.A.No.1161 of 2017 filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.M.P.No.11251 of 2017 in W.P.No.6747 of 2015 dated 16.06.2017.

W.A.No.1162 of 2017 filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.M.P.No.11252 of 2017 in W.P.No.6747 of 2015 dated 16.06.2017.

WMP.No.11251 & 11252/2017: Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

To grant permission to the petitioner to withdraw the entire 50% back wages of Rs.5,32,417/- deposited by the first Respondent/Petitioner herein before the 2nd respondent herein in WMP.11251/17 in WP.6747/15 and;

ii)To issue suitable direction, directing the first Respondent/Petitioner to confer 17-B wages to the petitioner, in WMP.No.11252/17 pending disposal of the above Writ petition 6747/5 respectively.

WP.6747/2015:Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records pertaining to the order passed by the 2nd respondent in I.D.No.267 of 2012 dated 25.11.2014 and quash the same.

For Appellant :: Mr.T.K.Ashok Kumar

For Respondent :: Mr.R.S.Anandan for R2

R1 :: Court

COMMON JUDGMENT

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

These writ appeals have been filed against the interim order passed by this Court in W.M.P.Nos.11251 and 11252 of 2017 in W.P.No.6747 of 2015 dated 16.06.2017, wherein the second respondent/workman was permitted to withdraw the deposited amount of Rs.5,32,407/- being 50% of the backwages, deposited by the Tamil Nadu Co-operative Milk Producers Federation Limited, Chennai. In respect of wages under Section 17B of the Industrial Disputes Act, the Tamil Nadu Co-operative Milk Producers Federation Limited was directed to pay 50% of the last drawn wages towards arrears upto June 2017 in favour of the workman within a period of eight weeks from the date of receipt of the order and from the month of July 2017 onwards, the last drawn wages of the workman was directed to be paid till the disposal of the writ petition, for making the stay absolute.

2.The learned counsel for the appellant has submitted that there is no justification in directing the appellant to deposit 50% of the last drawn wage of the workman, when 19 charges are pending against the first respondent. According to the learned counsel for the second respondent, the enquiry report is perverse.

3.Taking into consideration the facts and circumstances of the case on hand, we request the learned single Judge to dispose of the writ petition in W.P.No.6747 of 2015 within a period of three months from the date of receipt of a copy of this judgment.

4.The writ appeals are disposed of accordingly. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS VIII)

//True copy//

Sub Assistant Registrar

KM

To

1.The Presiding Officer,
I Additional Labour Court,
City Civil Court Buildings,
Chennai-600 004.

2.The Section Officer,
Writ Section, High Court,
Madras.

3.The Section Officer,
Judicial Section,
High court, Madras.

+1cc to Mr.T.K.Ashok Kumar, Advocate SR.No.79466
+1cc to Mr.R.S.Anandan, Advocate SR.No.76433

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of 2017
and
C.M.P.Nos.16187 to
16189 of 2017

SR(CO)
GN(05/12/2017)



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