

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

Coram

The Honourable Mr.JUSTICE HULUVADI G.RAMESH
and
The Honourable Dr.JUSTICE G.JAYACHANDRAN

W.A.No.814 of 2017
& C.M.P.No.11420 of 2017

The Management,
Vellore District Consumer Co-operative
Whole Sale Stores Ltd.,
rep. by its Joint Registrar/Managing Director

.....Appellant

Vs.

1. The Presiding Officer,
Principal Labour Court,
Vellore District.

2. V.Padma

.....Respondents

APPEAL filed under Clause 15 of the Letters Patent against the order dated 06.04.2017 made in W.M.P.No.179 of 2017 in W.P.No.187 of 2017 on the file of this Court to grant stay all further proceedings of the order passed by the 1st respondent in C.P. No.94/15 dated 3.09.2016, pending disposal of the above W.P.187 of 2017 to issue a writ of certiorari calling for the records of the order passed by the 1st respondent in C.P. No.94 of 2015 dated 30.9.2016 quash the same.

For Appellant : Mr.M.S.Palaniswamy

For Respondents: Mr.B.Srinivasan - R2
R1 : Court

J U D G M E N T

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

1. Heard the learned counsel appearing for the appellant as well as the second respondent.

2. The only grievance of the appellant is that the second respondent, namely, V.Padma, is not entitled for any backwages, since she rejoined the duty relinquishing her right of claiming backwages. However, she has filed a claim petition and succeeded, which is under challenge in the Writ Petition.

3. The learned Single Judge has directed the appellant to pay a sum of Rs.2.00 lakhs, as a pre-condition to proceed further. This condition is now under challenge before us.

4. According to the learned counsel appearing for the appellant, since the second respondent is not entitled for any backwages, if Rs.2.00 lakhs is paid to the second respondent, it may be difficult for the appellant to recover, in case, it succeeded in the Writ Petition.

5. Considering the merits of the submissions and also the point of equity, this Court is of the opinion that instead of paying the said amount directly to the second respondent, it shall be deposited in the Central Cooperative bank, Vellore within a period of two (2) weeks from the date of receipt of a copy of this order. It is ordered accordingly.

6. On production of the deposit receipt, the learned single Judge shall take up the matter on 11.09.2017, as fixed in the impugned order. Both the parties shall cooperate for the early disposal of the Writ Petition, pending before the learned Single Judge.

7. The Writ Appeal is disposed of accordingly. Consequently, the connected Miscellaneous Petition is closed. However, there will be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Presiding Officer,
Principal Labour Court, Vellore.

2. The Branch Manager, Central,
Co-Operative Bank, Vellore.

+ 1 cc to Mr. M.S. Palanisamy, Advocate Sr.54490

+ 1 cc to Mr.B. Srinivasan, Advocate SR.53687

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SSI(CO)

EU 22.08.17