

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.15768 of 2015
and M.P.Nos.1 and 2 of 2015

The management,
Bethel Welfare Centre,
Bethel, Danishpet,
Salem District - 636 354
Rep. by its Director

... Petitioner

Vs.

1. M.Johnson
2. The Presiding Officer,
Labour Court, Salem.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for to issue any writ, Order specially Writ of Certiorari, to call for the records leading to the issue of the impugned award of the 2nd respondent Labour Court dated 10.04.2014 passed in I.D.No.90 of 2013 and quash the same as illegal and void.

For Petitioner : Mr.Muthukumar
for M/s.Paul and Paul
For Respondents : Mr.K.M.Ramesh (For R1)
R2-Court

O R D E R

Challenging the award which has been passed exparte, the present writ petition has been filed.

2.In pursuant to the interim order granted by this Court and in compliance thereon, the petitioner had deposited a sum of Rs.3,39,750/- which is lying on the file of the second respondent.

3.The learned counsel appearing for the first respondent fairly submits that considering the facts and circumstances of the case, the award may be set aside subject to the condition that the said respondent may be permitted to withdraw atleast a sum of Rs.2,00,000/-.

4.The learned counsel appearing for the petitioner would submit that a reasonable amount may be fixed by this Court and an opportunity may be given to the petitioner to contest the matter on merit.

5.The award was passed in the year 2014 and more than three years have elapsed. The dispute itself has been raised in the year 2013. In such view of the matter, this Court is of the view that it would be appropriate to permit the first respondent to file an application before the second respondent and receive a sum of Rs.2,00,000/- out of Rs.3,39,750/- deposited by the petitioner. This is without prejudice to the contention of the respective parties in I.D.No.90 of 2013 subject to final award to be passed.

6.Accordingly, the award passed in I.D.No.90 of 2013 dated 10.04.2014 is set aside. The second respondent is directed to conclude the proceedings within a period of six months from the date of receipt of a copy of this order.

7.In the result, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

cse

To

The Presiding Officer,
Labour Court, Salem.

+1cc to Mr.K.M.Ramesh, Advocate Sr. 45281
+1cc to M/S.Paul & Paul, Advocate Sr. 45630

W.P.No.15768 of 2015
and M.P.Nos.1 and 2 of 2015

AK(CO)
VR(12/07/2017)