

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Friday, the Seventh day of April Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

WMP NoS.1714 of 2017 AND 25312 OF 2016

IN WP.29279/2016

S.S.HARIHARAN, [PETITIONER IN WMP No.1714 of 2017]
[2ND RESPONDENT IN WMP.25312 OF 2016]

Vs

1 THE MANAGING DIRECTOR [1ST RESPONDENT IN WMP No.1714 of 2017]
TAMIL NADU CO-OPERATIVE MILK, [PETITIONER IN WMP No.25312 OF 2016]
PRODUCERS FEDERATION LIMITED,
AAVIN ILLAM, MADHAVARAM
MILK COLONY, CHENNAI-600 051

2 THE ASSISTANT [2ND RESPONDENT IN WMP No.1714 of 2017]
COMMISSIONER OF [1ST RESPONDENT IN WMP No.25312 OF 2016]
LABOUR-II, OFFICE OF
THE DEPUTY COMMISSIONER
OF LABOUR-II, CHENNAI-600 006

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Vacate the Interim Stay granted in WMP No.25312 of 2016 in WP No.29279 of 2016 dated 23.08.2016.(IN WMP No.1714 of 2017)

(ii)To stay the operation of the order dated 26.02.2016 in P.G.No. 256 of 2012 on the file of the 1st respondent (IN WMP No.25312 OF 2016)

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavit filed in support thereof and upon hearing the arguments of M/S.BALAN HARIDAS, Advocate for the petitioner IN WMP No.1714 of 2017 and 2ND RESPONDENT IN WMP.25312 OF 2016 and of M/S.R.BALARAMESH Advocate for 2nd RESPONDENT IN WMP No.1714 of 2017 and PETITIONER IN WMP No.25312 OF 2016 the court made the following order:-

By the impugned order, the writ petitioner was directed to pay the gratuity amount of Rs.6,10,906/- with interest to the second respondent/workman.

2.Learned counsel appearing for the writ petitioner, on instructions, submits that the petitioner would deposit 50% of the gratuity amount ordered in P.G.No.256 of 2012, which would come to Rs.4,93,815.50.

3.Considering the said submission, this Court is inclined to direct the writ petitioner to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the second respondent/workman as depositing the sum of Rs.4,93,815.50 would not help the said respondent in any way instead of seeing the colour of the coin at least partly.

4.Accordingly, interim stay granted on 23.08.2016 is made absolute on condition that the petitioner pays a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the second respondent within a period of four weeks from the date of receipt of a copy of this order. Consequently, W.M.P.No.25312 of 2016 stands allowed and W.M.P.No.1714 of 2017 stands dismissed.

-sd/-
07/04/2017

/ TRUE COPY /

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

TO

1 THE MANAGING DIRECTOR
TAMIL NADU CO-OPERATIVE MILK, PRODUCERS
FEDERATION LIMITED, AAVIN ILLAM, MADHAVARAM
MILK COLONY, CHENNAI-600 051

2 THE ASSISTANT COMMISSIONER OF
LABOUR-II, OFFICE OF THE DEPUTY COMMISSIONER
OF LABOUR-II, CHENNAI-600 006

C.C. to M/S.BALAN HARIDAS Advocate SR.NO. 4772

C.C. to M/S.BALAN HARIDAS Advocate SR.NO. 4761

Order

in

WMP NoS.1714 of 2017 AND 25312 OF 2016
IN WP.29279/2016

Date :07/04/2017

From 26.2.2001 the Registry is issuing certified
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T.R (11/04/2017)