

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Sixth day of April Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

WMP No.179 of 2017

in WP.No.187 of 2017

THE MANAGEMENT,
VELLORE DISTRICT CONSUMER CO-OPERATIVE
WHOLESALE STORES LTD, REP. BY ITS JOINT
REGISTRAR/ MANAGING DIRECTOR, NO.32,
ANNA SALAI LINE, VELLORE-632 001.

[PETITIONER]

Vs

1 THE PRESIDING OFFICER,
PRINCIPAL LABOUR COURT,
VELLORE DISTRICT.

[RESPONDENTS]

2 V.PADMA

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant stay all further proceedings of the order passed by the 1st respondent in C.P.No.94 of 2015 dated 30.9.2016, (in WMP.No.179/2017) pending disposal of the above WP.No.187/2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.S.PALANISWAMY, Advocate for the petitioner and of M/S.B.SRINIVASAN, Advocate for the 2nd respondent the court made the following order:-

This writ petition has been filed against the computation made under Section 33(c) (2) of the Industrial Disputes Act by the Labour Court by directing the petitioner to pay a sum of Rs.4,44,359.80/-.

2.The learned counsel appearing for the petitioner would submit that as per the documents sought to be marked now, the second respondent is not entitled for the payment. The reinstatement has been made on the premise that the second respondent has agreed to forego the back wages. The claim has been made after a long time.

3.The learned counsel appearing for the second respondent would submit that the Labour Court has considered the scope and ambit of the order passed by the Special Deputy Commissioner of the Labour Court. There is no specific reference in the order as contended by the learned counsel appearing for the petitioner with respect to the backwages. He would also submit that the question of delay cannot be put against the second respondent since Section 5 of the limitation Act will not have any barring.

4.Admittedly, the second respondent has got any order in his favour after adjudication. The relevancy, admissibility and proof of the documents sought to be marked will have to be sent at the time of disposing of the writ petition finally. Adjudication has been made by the Labour Court on merit after affording opportunities to the parties concerned.

5.The construction of the order passed by the Special Deputy Commissioner of Labour Court has also to be done at the time of hearing the writ petition finally. At this stage, this Court has to balance the equity and therefore, there cannot be any blanket stay of the order passed.

6.In such view of the matter, the interim stay petition stands disposed of by making it absolute on condition that the petitioner pays a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in favour of the second respondent, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, the vacate stay petition filed in W.M.P.No.7009 of 2017 stands closed.

7.Post the main writ petition for hearing on 11.09.2017.

-sd/-

06/04/2017

/ TRUE COPY /

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

TO

1 THE PRESIDING OFFICER,
PRINCIPAL LABOUR COURT,
VELLORE DISTRICT.

C.C. to M/S.M.S.PALANISWAMY Advocate, Sr.No.4759.

C.C. to M/S.B.SRINIVASAN, Advocate Sr.No.4663.

Order

in
WMP.179/2017

in
WP.187/2017

Date :06/04/2017

From 26.2.2001 the Registry is issuing certified
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KP(11/04/2017)