

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.6131 of 2011 &
M.P.No.1 of 201

K.478, The Government Servant's Co-operative
Stores Ltd.,

Rep. By its The Special Officer,
C.Muthuvijaya
Mettur Dam,
Salem District.

... Petitioner

Vs.

1. The Presiding Officer,
The Labour Court,
Salem.

2. L.Chinnapalani

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records relating to the Award of the 1st respondent dated 20.04.2010 in claim petition in C.P.No.49 of 2008 and quash the same.

For Petitioner ... Mr.K.Selvaraj

For Respondents ... Mr.S.Girija for R2
R1 - Court

ORDER

The petitioner has approached this Court seeking the following relief:

''To issue a writ of certiorari calling for the records relating to the Award of the 1st respondent dated 20.04.2010 in claim petition in C.P.No.49 of 2008 and quash the same.''

2. The management of Government Servant's Co-operative Stores is the petitioner in this writ petition. Having

aggrieved by the order passed by the first respondent / Labour Court, dated 20.04.2010 in C.P.No.49 of 2008, ordering payment of Rs.3,97,851/- to the second respondent/workman from the date of receipt of that order, failing which, it shall carry interest at 18% p.a. from the date of petition till the date of payment, hence, the Management is before this Court.

3.When the matter is taken up for hearing, it is submitted that already an amount of Rs.70,000/- was disbursed to the second respondent/workman and for acknowledging the said amount, the receipts have been issued from 20.07.2004 to 04.01.2005. Learned counsel for the petitioner would submit that after the deduction of the said amount, the remaning amount shall be ordered to be paid to the second respondent/workman.

4.In view of the submissions so made, without going into the correctness of the order passed by the first respondent/Labour Court in C.P.No.49 of 2008 dated 20.04.2010, this Court directs the petitioner to comply with the order passed by the first respondent/Labour Court and to pay the balance amount as ordered to be paid with interest, after deducting a sum of Rs.70,000/- which has already been paid by the petitioner and the same was received by the second respondent/workman. The said order of the first respondent shall be complied with the by the petitioner/Management within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To
The Presiding Officer,
The Labour Court,
Salem.

+1cc to Mr.S.GIRIJA, Advocate, S.R.No. 91748
+1cc to Mr.K.SELVARAJ, Advocate, S.R.No. 90919

W.P.No.6131 of 2011

GP (CO)
TR(22/01/2018)