

W.M.P.Nos.22342 and 22343 of 2016 and 6850 of 2016
in
W.P.No.7624 of 2016

M.M.SUNDRESH, J.

Challenging the award of the Labour Court, by which reinstatement with backwages is ordered, the present writ petition has been filed. Pending the writ petition, the writ petitioner seeks an order of interim stay whereas the the second respondent in the writ petition filed W.M.P.Nos.22342 and 22343 of 2016 seeking directions.

2.Learned counsel appearing for the writ petitioner would submit that it is a non-speaking award. The members of the second respondent/workmen have voluntarily left the job. They have been reinstated since then.

3.Learned counsel appearing for the second respondent in the writ petition would submit that the award has been passed after considering the relevant materials. He would further submit that mandate of Section 17B of the Industrial Disputes Act has to be complied with and the workmen are entitled for some amount out of

the backwages, which has been deposited.

4.The contention sought to be raised on merits will have to be decided only in the writ petition. There is no dispute that the members of the second respondent/workmen have been reinstated. Therefore, the only question is with respect to the backwages. Pursuant to the direction issued by this Court, the writ petitioner has deposited a sum of Rs.10,05,008/-. Therefore, this Court is of the view that equitable order will have to be passed.

5.In such view of the matter, the members of the second respondent/workmen in the writ petition are entitled to withdraw a sum of Rs.1,00,000/- (Rupees One Lakh only) each out of the amount deposited. Accordingly, interim stay granted earlier is made absolute and W.M.P.No.6850 of 2016 is allowed. Consequently, W.M.P.Nos.22342 and 22343 of 2016 stand disposed of.

Post the writ petition for final hearing on 04.09.2017.

mmi

13.04.2017

M.M.SUNDRESH, J.

mmi

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