

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 15.03.2018
Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.1176 of 2017
and C.M.P.No.16344 of 2017

The Management of
Hallmark Industries
No.A30, Madras Export Promotion Zone
Tambaram
Chennai 600 0045. ... Appellant/Petitioner

Vs.

1. III Additional Labour Court
Chennai.

2.V.Balakrishnan

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 06.09.2017 made in W.P.No.34215 of 2013 on the file of this Court.

WP.No.34215/2013: This Writ Petition is filed under article 226 of Constitution of India praying the issuance of Writ of Certiorari to call for the records of first respondent dated 01.12.2009 in I.D.No 277 of 2006 and quash the same.

For Appellant : Mr.M.S.Seshadri

For R2 : Mr.R.Jaikumar
for M/s T.Fenn Walter Associates

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J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN,
J.]

This intra court appeal is directed against the order dated 06 September, 2017, in and by which, the learned single Judge quashed the order passed by the Labour Court and directed the matter to be heard afresh.

2. The appellant is aggrieved by the direction given by the learned single Judge permitting the second respondent to withdraw a further amount of Rs.1,00,000/- deposited on the credit of I.D.No.277 of 2006 on the file of the III Additional Labour Court, Chennai.

3. When this matter came up for hearing on 08 March, 2018, we posed a query to the learned counsel for the appellant with regard to the basis for filing this appeal, in view of the fact that the order would appear as if a condition precedent for setting aside the order passed by the Labour Court liberty was given to the second respondent to withdraw a sum of Rs.1,00,000/-. The learned counsel took time to take instructions from the appellant.

4. The appellant filed an affidavit dated 15 March, 2018 indicating that he has no objection for withdrawal of a sum of Rs.40,000/-.

5. The learned counsel for the second respondent submitted that the direction given by the learned single Judge was conditional in nature. According to the learned counsel, the second respondent was permitted to withdraw a sum of Rs.1,00,000/- as a condition precedent for setting aside the order passed by the Labour Court. The learned counsel further submitted that the second respondent should be permitted to withdraw the accrued interest, taking into account the deposit of the amount on the credit of the Industrial Dispute.

6. The Award passed by the Labour Court was set aside by the learned single Judge to give an opportunity to the appellant to agitate the matter on merits. The learned single Judge permitted the second respondent to withdraw a sum of Rs.1,00,000/-. The second respondent has already withdrawn another sum of Rs.60,000/-.

7. After hearing the learned counsel for the parties and taking into account the affidavit filed by the appellant, we are of the view that the second respondent should be permitted to withdraw a sum of Rs.40,000/- (Rupees forty thousand only) instead of Rs.1,00,000/- (Rupees one lakh only) as ordered by the learned single Judge. The second respondent is permitted to withdraw the accrued interest on the remaining amount without furnishing security. The interest amount should be paid till the disposal of the Industrial Dispute in I.D.No.277 of 2006.

8. The intra court appeal is disposed of with the modification in the order passed by the learned single Judge. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

To

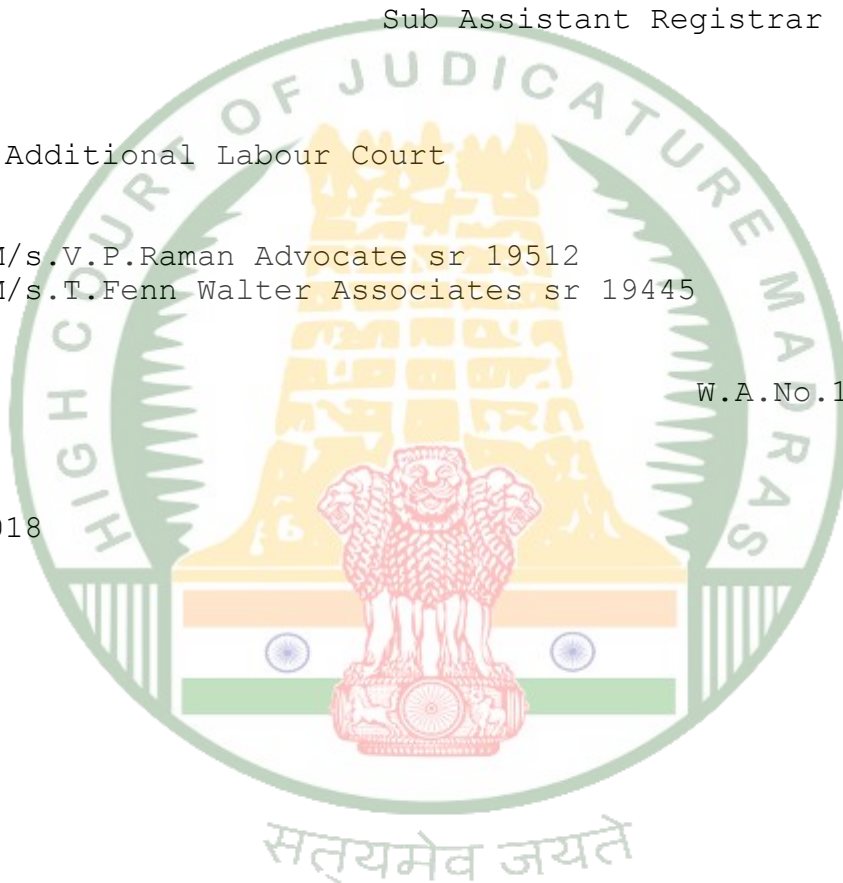
1.The III Additional Labour Court
Chennai.

+1 cc to M/s.V.P.Raman Advocate sr 19512

+1 cc to M/s.T.Fenn Walter Associates sr 19445

W.A.No.1176 of 2017

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