

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:20.02.2018
CORAM

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

W.A.No.1617 of 2014 &
M.P.No.1 of 2014

The Proprietor
Vijaya Chemicals and Toilet Works (A.P.)
No.23, Panchalai Amman Koil Street
Arumbakkam
Chennai 600 106. ... Appellant/Petitioner

Vs.

1.The Presiding Officer
III Additional Labour Court, Chennai.

2.N.C.Sudersanam ... Respondents/Respondents

Prayer : Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 05.11.2014 made in M.P.No.1 of 2014 in W.P.No.28820 of 2014, on the file of this Court.

MP.No.1 of 2014 in WP.No.28820/2014:Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the award of the 1st respondent dated 3.9.2014 made in I.D.no.252/03 pending disposal of the writ petition No.28820/2014.

WP.No.28820/2014:Writ of certiorari or ay other appropriate writ, orders or directions in the nature of a writ calling for the entire records of the 1st respondent in I.D.No.252/03 including the award dated 3.9.2014 and quash the same.

For Appellant : Mr.J.Srinivasa Mohan
For R2 : No appearance

J U D G M E N T

[Order of the Court was made by K.K.SASIDHARAN, J.]

This intra court appeal is directed against the order dated 05 November, 2014 in M.P.No.1 of 2014 in W.P.No.28820 of 2014 directing the appellant to pay 25% of the back wages to the second respondent, failing which it was indicated that the interim stay of the operation of the award would be vacated automatically.

2. The learned counsel for the appellant contended that the second respondent abandoned the services and the same resulted in initiating disciplinary proceedings against the employee. According to the learned counsel, the learned Single Judge was not correct in directing the appellant to pay back wages directly to the employee in view of the background facts.

3. None appeared on behalf of the second respondent.

4. The award passed by the Labour Court in I.D.No.252 of 2003 was put in issue before the writ court. The learned single Judge, as a condition precedent for granting interim stay of operation of the award, directed the appellant to comply with conditions nos.3 and 5 of the award dated 03 September, 2014. The appellant is primarily aggrieved on account of the direction to give back wages to the second respondent directly. According to the appellant, since it was a case of abandonment, the second respondent is not entitled to back wages at all.

5, After hearing the learned counsel for the appellant, we are of the view that interest of justice would be subserved by directing the appellant to deposit the amount before the writ court in W.P.No.28820 of 2014. Such exercise shall be completed within a period of four weeks from today.

The intra court appeal is allowed with the above modification in the order passed by the learned Single Judge. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

gms

To
The Presiding Officer
III Additional Labour Court, Chennai.

+1cc to Mr.V.G.Sureshkumar, Advocate Sr.No.13160

VGII(CO)
sm:14.3.2018

W.A.No.1617 of 2014