

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.178 of 2018 and

CMP No.1163 of 2018

The Management of
Reliable Printers and
Natures Fine Products
No.27A, Nelvayal Road,
Perambur, Chennai - 600 011

...Appellant/Petitioner/Petitioner

Vs

1.S.Ekanathan

2.The First Additional Labour Court
Chennai - 600 104.

...Respondents/Respondents/Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.M.P.No.34552 of 2016 in W.P.No.40530 of 2010 dated 30.11.2017.

W.M.P.No.34552 of 2016: To stay the operation of the award of the first respondent dated 21/06/2016 in ID.No. 519 of 2010 amounting Rs.2 Lakhs as compensation as if he is the worker (under the petitioner) pending disposal of the above writ petition.

WP.No. 40530 of 2016 Writ petition filed under Article 226 of Constitution of India calling for the records of the Second respondent dated 21/06/2016 in ID.No. 519 of 2010 and quash the award (amounting Rs.2 Lakhs to the first respondent as if he is the worker under the petitioner)

For Appellant : Mr.M.Kalyanasundaram
Senior Counsel
for Mr.V.Srinivasan

For Respondent : Mr.K.V.Anathakrushan
for R1
R2-Court

J U D G M E N T

(Judgment of the Court was delivered by
K.K.SASIDHARAN, J.)

The condition imposed by the learned single Judge for staying the Award dated 21 June 2016 in I.D.No.519 of 2010 is under challenge at the instance of the writ petitioner in W.P.No.40530 of 2016.

2. The first respondent raised a dispute before the Labour Court in I.D.No.519 of 2010 alleging that he was dismissed from service without any reason. The Labour Court on the basis of the evidence available on record passed an Award, directing the appellant to pay a sum of Rs.2,00,000/- to the first respondent. The said Award was challenged before the Writ Court in W.P.No.40530 of 2016. The learned single Judge by way of an interim arrangement directed the appellant to deposit a sum of Rs.1,00,000/- . It is the said order, which is impugned in this appeal.

3. After hearing the learned Senior Counsel for the appellant and the learned counsel for the first respondent, we are of the view that interest of justice would be sub-served, in case, a direction is issued to the appellant to pay a portion of the amount awarded by the Labour Court to the first respondent, instead of depositing the money on the credit of the dispute.

4. We therefore modify the order passed by the learned single Judge by directing the appellant to pay a sum of Rs.40,000/- (Rupees Forty thousand only) directly to the first respondent without prejudice to the contentions of both parties in the writ petition. The payment shall be made within a period of four weeks from the date of receipt of a copy of this judgment. In case, amount is not paid, interim stay granted by the Writ Court in WMP No.34552 of 2016 shall stand vacated automatically and it is open to the first respondent to execute the Award.

5. The intra court appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

svki

To

1.The First Additional Labour Court
Chennai - 600 104.

2. The Section Officer,
Writ Section, High Court,
Madras.

+lcc to Mr.K.V.Ananthakrishnan, Advocate SR.No.26578

W.A.No.178 of 2018

GJ(CO)
GN(04/05/2018)



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