

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

WMP No.24670 of 2017

in

WP.No.29272 of 2016

1 THE MANAGEMENT [PETITIONER]
S.NO.1558, THE GOVT. COLLEGE OF ENGINEERING,
CO-OPERATIVE STORES LTD, REP BY ITS
PRESIDENT, SALEM-636 011

Vs

1 S.GNANASEKARAN [RESPONDENTS]

2 THE PRESIDING OFFICER
LABOUR COURT, SALEM

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Modify the Order made in WMP No.25305 of 2016 in WP No.29272 / 2016 dated 15.06.2017 so as to direct the Petitioner to deposit the 50% of the amount to the 2nd Respondent Labour Court in C.P. No.11 of 2012 Salem instead of paying the same to the 1st Respondent, till the (in WMP No.24670 of 2017) disposal of the main Writ Petition.No.29272 of 2016.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.L.P.SHANMUGASUNDARAM, Advocate for the petitioner and of MR.K.S.NARAYANAN on behalf of the 1st Respondents the court made the following order:-

Seeking modification of the order passed on 15.06.2017 in W.M.P.No.25305 of 2016 in W.P.No.29272 of 2016, the present petition has been filed.

2.Learned counsel appearing for the petitioner would submit that the Labour Court exercised the power wrongly in making an adjudication instead of doing computation. Secondly, it is submitted that the provisions of the Gratuity Act are not applicable.

3. Admittedly, the award was passed on merits. The question as to whether the petitioner is entitled to succeed or not is a matter to be decided in the writ petition. As on today, there is an award in favour of the first respondent. Though the learned counsel for the petitioner would submit that the petitioner would deposit the amount, this Court is not inclined to modify the order. What has been ordered is only 50% of the amount determined by the second respondent.

4. In such view of the matter, this petition stands dismissed. The petitioner is directed to comply with the order dated 15.06.2017 within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that in the event of the writ petition being allowed, the first respondent is required to pay the amount back in favour of the petitioner.

-sd/-

24/01/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRESIDING OFFICER
LABOUR COURT, SALEM

+2 C.C. to M/S.K.S.NARAYANAN Advocate SR.NO.879

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.24670/2017

in
WP.29272/2016

Date :24/01/2018

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