

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P.No.1908 of 2000

M/s.Nadeem Tanning company,
Rep. by its Managing partner,
Vaniyambadi,
Vellore District.

...Petitioner

...Vs...

1.The Presiding Officer,
Labour Court,
Vellore.

2.K.Chinna Thambi

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Certiorari to call for the records of first respondent regarding the order in I.D.No.258/94 dated 05.03.1999 by the Labour Judge, Vellore, quash the order as ultravires, invalid, unconstitutional and without the authority of law.

For petitioner : Mr.C.Manohar Gupta
For respondent-2 : Mr.K.M.Ramesh

ORDER

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorari to call for the records of first respondent relating to the order in I.D.No.258 of 1994 dated 05.03.1999 by the Labour Court, Vellore, quash the order as ultravires, invalid, unconstitutional and without the authority of law.

2. As against the award passed by the first respondent-Labour Court in I.D.No.258 of 1994, dated 05.03.1999, the management filed this Writ petition with the aforesaid prayer.

3. The second respondent was dismissed from service in the year 1993, and on 20.07.2010, the company was closed. The petition for payment of Section 17(b) wages was allowed on 22.11.2004. The second respondent also attained superannuation in the year 2015. In the Labour Court award dated 05.03.1999,

the Labour Court, by allowing I.D.No.258 of 1994, passed an award directing the management to reinstate him with full backwages and all other attendant benefits and also a sum of Rs.300/- towards cost.

4. During the pendency of this writ petition filed by the management, it seems that the second respondent-employee approached the Labour Court by filing a claim petition in C.P.No.78 of 2012 and the said Claim petition was ultimately decided by the Labour Court by order dated 01.08.2018, wherein, the following order has been passed:

"In the result, this petition is allowed in part and accordingly, the respondent is directed to pay a sum of Rs.2,29,199/- to the petitioner within 3 months from the date of receipt of this Order, failing which the said amount shall carry 6% interest p.a.

As far as the other reliefs are concerned, this petition stands dismissed. No costs."

5. In this regard, the learned counsel appearing for the petitioner as well as the learned counsel appearing for the second respondent submitted that since the Claim Petition had been allowed partly in favour of the second respondent, recording the same, this writ petition can be disposed of with liberty to the petitioner to agitate the issue as against the quantum of amount allowed by the Labour Court through the said order in C.P.No.78 of 2012 dated 01.08.2018.

6. It is submitted by the learned counsel for the second respondent that during the pendency of the Writ Petition, a sum of Rs.41,708/- was directed to be deposited by the petitioner-Management and accordingly, the said amount was deposited, out of which, the second respondent was permitted to withdraw Rs.30,000/- (Rupees thirty thousand only) and the same has already been withdrawn by the second respondent herein and therefore, the remaining amount of Rs.11,708/- (Rupees eleven thousand seven hundred and eight only) can be withdrawn by the second respondent.

7. By taking into account the said submission made by the learned counsel appearing for both sides and also by taking into account the said order passed in the claim petition referred to above filed by the second respondent, this writ petition is disposed of, as no further orders is required to be passed. However, it is open to the petitioner to agitate the issue with regard to the quantum of amount mentioned in the order passed by the first respondent-Labour Court in the claim petition (i.e) C.P.No.78 of 2012 dated 01.08.2018 in the manner known to law.

8. Accordingly this writ petition is disposed as indicated above. No costs.

srn/mbi

Sd/-
Assistant Registrar (CS CCC)

// True Copy//

To
Sub Assistant Registrar

The Presiding Officer,
Labour Court, Vellore.

+1 CC to Mr.K.M.RAMESH, ADVOCATE SR 64099
+1 CC to M/s.GUPTA & RAVI, ADVOCATE SR 64061

KR/8/10/18

W.P.No.1908 of 2000



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