

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.885 of 2018
and
C.M.P.No.7727 of 2018

- 1 The Management of
Dairy Development Corporation
Madhavaram Chennai-600 051.
- 2 The Tamil Nadu Co-Operative
Milk Producers Federation Ltd.
Madhavaram Chennai-600 051. Appellants/Petitioners
- Versus
- 1 The Presiding Officer
1st Additional Labour Court
Chennai-600 104.
- 2 N.Dhiravia Gandhi
3 P.Shanmugam
4 P.Muthu
5 M.Sundaram
6 S.Periasamy
7 K.S.Prabhakaran Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 13.6.2017 passed in W.M.P.No.1 of 2015 in W.P.No.21280 of 2015 on the file of this court.

WP.NO.21280/2015:

Petition filed to stay of operation of the order of the 1st respondent in C.P.NO.428/1990 on 09/10/2014 pending disposal of the Writ Petition and Writ Petition filed Under Article 226 of the Constitution of India to issue a Writ of Certiorari Calling for the records pertaining to the order of the 1st respondent in C.P.No.428/1990 dated 9.10.2014 and quash the same.

For appellant : Mr.P.Narayanamoorthy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant-Management.

2. The writ appeal has been filed by the Management of Dairy Development Corporation at Madhavaram, Chennai as against the interim order passed by the learned Single Judge against the condition imposed by the learned Single Judge directing the Management to deposit 50% of the amount awarded by the Labour Court in favour of respondents 2 to 7 within a period of eight weeks from the date of receipt of copy of that order. It appears that the award amount works out to around Rs.5,80,000/- towards compensation, while granting interim stay.

3. The case of the appellants is that the employees viz., respondents 2 to 7 went on strike by applying medical leave and did not attend any work and therefore, they are not entitled to claim wages whereas the stand of the employees before the Labour Court on the aspect appears to be that they were not allowed to join duty on expiry of their medical leave. The Labour Court, after elaborate discussion of the facts and circumstances of the case has directed the Management to pay wages, which the Management wanted to stay. In such a backdrop, the learned Single Judge has directed for payment of 50% of the amount awarded by the Labour Court.

4. The order of the learned Single Judge is of the year 2017. Now, we are in 2018. The direction of the learned Single Judge has not yet been complied with. However, in the circumstances of the case, we intend only to extend the time for making payment and accordingly, the appellants are directed to make payment of Rs.2,50,000/- within a period of four weeks from the date of receipt of a copy of this judgment failing which, they will not be entitled to right of audience before the learned Single Judge. Accordingly, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

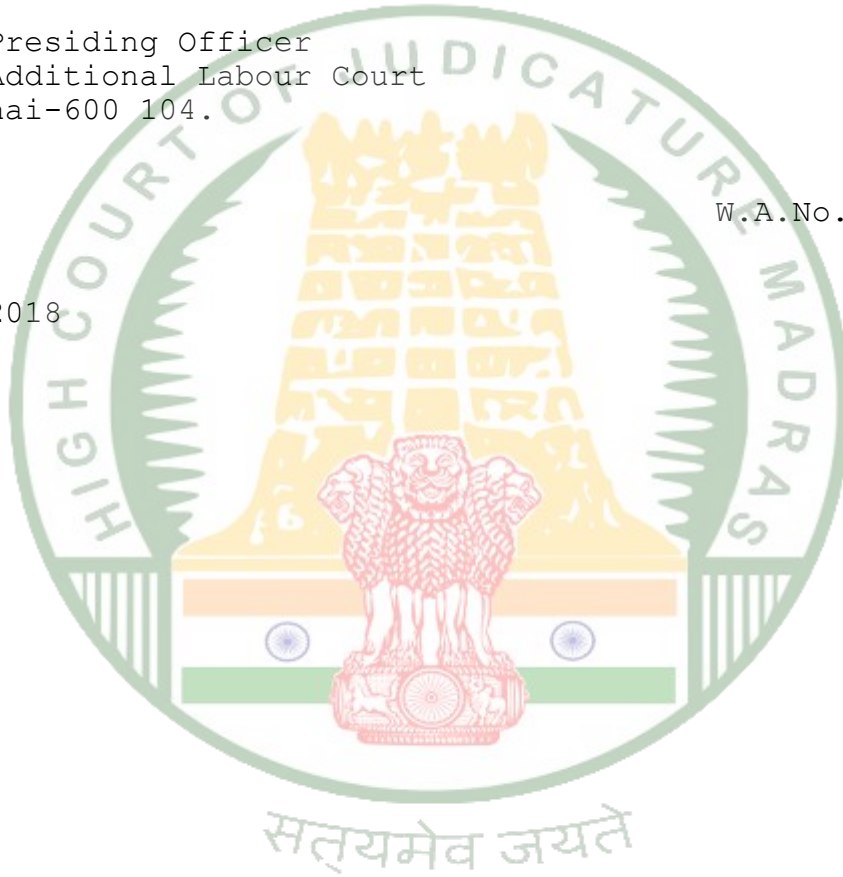
ssk.

To:

- 1 The Management of
Dairy Development Corporation
Madhavaram Chennai-600 051.
- 2 The Tamil Nadu Co-Operative
Milk Producers Federation Ltd.
Madhavaram Chennai-600 051.
- 3 The Presiding Officer
1st Additional Labour Court
Chennai-600 104.

W.A.No.885 of 2018

nrjk(co)
nr 20/06/2018



WEB COPY