

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP NO.2881 OF 2018

IN WP.3818 OF 2015

T.UMAKANTHAN

[PETITIONER]

Vs

1 THE MANAGING DIRECTOR
PARK TOWN COOPERATIVE WHOLESALE STORES LTD,
G-13, 3, FIRST MAIN ROAD,
ANNA NAGAR, CHENNAI 40.

[RESPONDENTS]

2 PRESIDING OFFICER
PRINCIPAL LABOUR COURT,
CHENNAI 104.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

permit the Petitioner / 2nd Respondent to withdraw the sum of Rs.3,39,000/- deposited by the Petitioner to the credit of C.P. No.2 of 2012 on the file of the Principal Labour Court, Chennai along with accrued interest thereon (in WMP.No.2881/18) in WP.No.3818/15.

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.A.GANAPATHEESWARAN Advocate for the petitioner and of MR.P.ANBARASAN Advocate on behalf of the respondents the court made the following order:-

This writ miscellaneous petition has been filed by the petitioner / 2nd respondent to withdraw the sum of Rs.3,39,000/- deposited by the 1st respondent / writ petitioner to the credit of CP No.2 of 2012 on the file of the Principal Labour Court/the 2nd respondent herein.

2. As it appears that the writ petition has been filed by the Management challenging the Award passed in the

Industrial Dispute case which was allowed in favour of the petitioner / 2nd respondent herein, the aforesaid writ petition was filed only after the CP was filed for execution of the Award and hence, this court while entertaining this writ petition, had directed the respondent to deposit an amount of Rs.3,39,000/- which according to the Management was liable to pay to the petitioner herein.

3. The learned counsel appearing for 2nd respondent submits that the aforesaid deposited amount is liable to be released in favour of the petitioner herein as he is entitled to the same. But, the same is vehemently opposed by the learned counsel appearing for the 1st respondent in the writ miscellaneous petition with the submission that the release of deposit money will make the matter infructuous.

4. Considering the submissions of learned counsel appearing for the parties and on going through the materials and also the fact that the management had deposited the amount, which they assert to be liable to pay towards the back wages and a part of the Award for reinstatement already been complied with by the Management by reinstating the petitioner/2nd respondent herein, in to the service, this Court feels that there is no impediment for the Court below in releasing the amount of back wages deposited in favour of the petitioner. Hence, the deposited amount be released along with the accrued interest if any, in favour of the petitioner / 2nd respondent in the writ miscellaneous petition. However the same is without prejudice to the claim of the writ petitioner/Management and shall be subject to final order passed in the writ petition. The order be complied with by the The Presiding Officer, Labour Court who is the 2nd respondent in this writ miscellaneous petition by remitting the amount through RTGS to the workmen concerned on being approached through an appropriate application with copy of this order within 15 days of such application.

-sd/-
12/02/2018
/ TRUE COPY /

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

TO

1 THE MANAGING DIRECTOR,
PARK TOWN COOPERATIVE WHOLESALE STORES LTD,
G-13, 3, FIRST MAIN ROAD,
ANNA NAGAR, CHENNAI 40.

2 PRESIDING OFFICER,
PRINCIPAL LABOUR COURT, CHENNAI 104.

+2 C.C. to M/S.A.GANAPATHEESWARAN Advocate SR.No.1670

C.C. To MR.P.ANBARASAN Advocate SR.No.1677

The Government Advocate, High Court, Madras - 104.

Order

in
WMP.2881/2018

in
WP.3818/2015

Date :12/02/2018

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