

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Special Original Jurisdiction )

Thursday, the Eighth day of November Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE D. KRISHNAKUMAR

WMP No.28803 of 2018

in WP.No.24774 of 2018

THE MANAGEMENT OF MRF [ PETITIONER ]  
LIMITED REP. BY ITS MANAGER, POST BOX  
NO. 5285, THIRUVOTTIYUR HIGH ROAD,  
THIRUVOTTIYUR, CHENNAI - 600019

Vs

1 P.SELVARAJ, [ RESPONDENTS ]  
2 K.D.PACKIRISAMY,

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the award passed by the III Additional Labour Court, Chennai in I.D.No.116 of 2002 dated 02.04.2018 (in WMP.No.28803/2018) pending disposal of the above WP.No.24774/2018.

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.M.VIJAYAN, for M/S.KING AND PARTRIDGE, Advocate for the petitioner and of M/S.V.PRAKASH, Senior Counsel for M/S.P.GANESH RAM, Advocate 1<sup>st</sup> respondent the court made the following order:-

The learned counsel for the petitioner submitted that the first respondent is not under employment of the writ petitioner and the payment of the entire back wages is contrary to the settled law.

The issues as to whether the first respondent was under the employment of the petitioner or not and whether he is entitled to the full back wages and other benefits are all contentious issues, which would be decided only at the time of final disposal of the main writ petition. In the meantime, there shall be an order of interim stay on the following conditions:

(a) The petitioner shall deposit 50% of the back wages and other benefits, as per the award dated 02.04.2018, to the credit of I.D.No.116 of 2002, on the file of the III Additional Labour Court, Chennai, within a period of 6 weeks from the date of receipt of a copy of this order.

(b) If the petitioner fails to comply with the conditional order passed by this Court, within the time stipulated, the stay petition shall stand automatically dismissed, without further reference to the Court.

(c) It is open to the petitioner to file appropriate petition for withdrawal, if so advised.

Post the main Writ Petition in the first week of January 2019.

-sd/-

08/11/2018

/ TRUE COPY /

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

TO

1 THE III ADDITIONAL LABOUR  
COURT, CHENNAI.

C.C. to M/S.KING AND PARTRIDGE Advocate Sr.No.13737

C.C. to M/S.P.GANESH RAM, Advocate Sr.No.13738

Order

in

WMP.28803/2018

in WP.No.24774/2018

Date :08/11/2018

From 26.2.2001 the Registry is issuing certified  
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KP(15/11/2018)