

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.No.44428 of 2002
and
WPMP No.65110/2002 and WVMP
No.596 of 2003

The Management of
M/s.A.B.T.Parcel Service,
13, 14, 15 Kalingarayar Street,
Ramnagar,
Coimbatore 641 006,
Rep. by its General Manager.Petitioner

vs

1.The Presiding Court,
Labour Court,
Coimbatore.

2.V.BaluRespondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India for issuance of a writ of certiorari to
call for the records of the first respondent in I.D.No.192 of
1999 and quash the impugned award dated 23.04.2002 in granting
compensation of Rs.84,480/-.

For petitioner : Mr.Haroon
for M/s.T.S.Gopalan

For Respondents: R1-Court
M/s.V.Ajoy Khose for R2

O R D E R

Heard Mr.Haroon of M/s.T.S.Gopalan & Co., learned counsel
appearing for the petitioner and Mr.V.Ajoy Khose, learned
counsel appearing for the second respondent.

2.The Labour Court in the impugned award dated 23.04.2002
passed in I.D.No.192 of 1999 has held that the charges against
the Second Respondent had been proved and that the punishment
imposed on him was justified but however taking into account 16

years of service put in by the second respondent, a sum of Rs.84,480/- has been granted as compensation to him. The petitioner viz., Management of M/s.A.B.T.Parcel Service has preferred this writ petition aggrieved by that portion of the order awarding the sum of Rs.84,480/- as compensation to the Second Respondent.

3.The aforesaid sum of Rs.84,480/- has been reportedly deposited in the Labour Court pursuant to the interim order of this Court dated 23.09.2003 in WPMP No.65110 of 2002 and WVMP No.596 of 2003. As permitted by this Court in that interim order, the Second Respondent has withdrawn a sum of Rs.30,000/- without furnishing security and the Labour Court has invested the balance amount in a Nationalised Bank initially for a period of three years and which has to be renewed periodically thereafter under re-investment scheme.

4. On perusal of the impugned order, it is noticed that the charges against the second respondent had been duly proved and the Labour Court had also come to the conclusion that the punishment imposed upon him was commensurate with the gravity of misconduct. In such circumstances, the direction to pay compensation taking into account the length of service of the second respondent is wholly unwarranted and not at all be justified and hence, that part of the order cannot be sustained and has to be set aside. However, it is agreed by both sides that since the entire amount has been already deposited by the Petitioner and the Second Respondent has been permitted to withdraw a sum of Rs.30,000/-, which would be difficult to recover from him at this distance of time, the said amount shall continue to remain with him. In respect of the balance amount of Rs.54,480/- remaining invested in fixed deposit, the petitioner shall be entitled to withdraw the same with accrued interest. It has further agreed by both sides that on receiving the said amount, the petitioner shall retain the sum of Rs.54,480/- and the balance amount received as interest shall be paid by the petitioner to the second respondent under acknowledgement within a period of two weeks from the date of receipt of the amount. A joint memo dated 09.07.2018 signed by the counsel for both sides to that effect is taken on record.

5.Learned counsel for the petitioner fairly submitted that the Management is willing to pay the eligible amount of gratuity and provident fund to the second respondent without interest having regard to the fact that this writ petition has been pending till now and the said statement is recorded.

6. Accordingly, the writ petition is disposed of on the aforesaid terms. No costs. The connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

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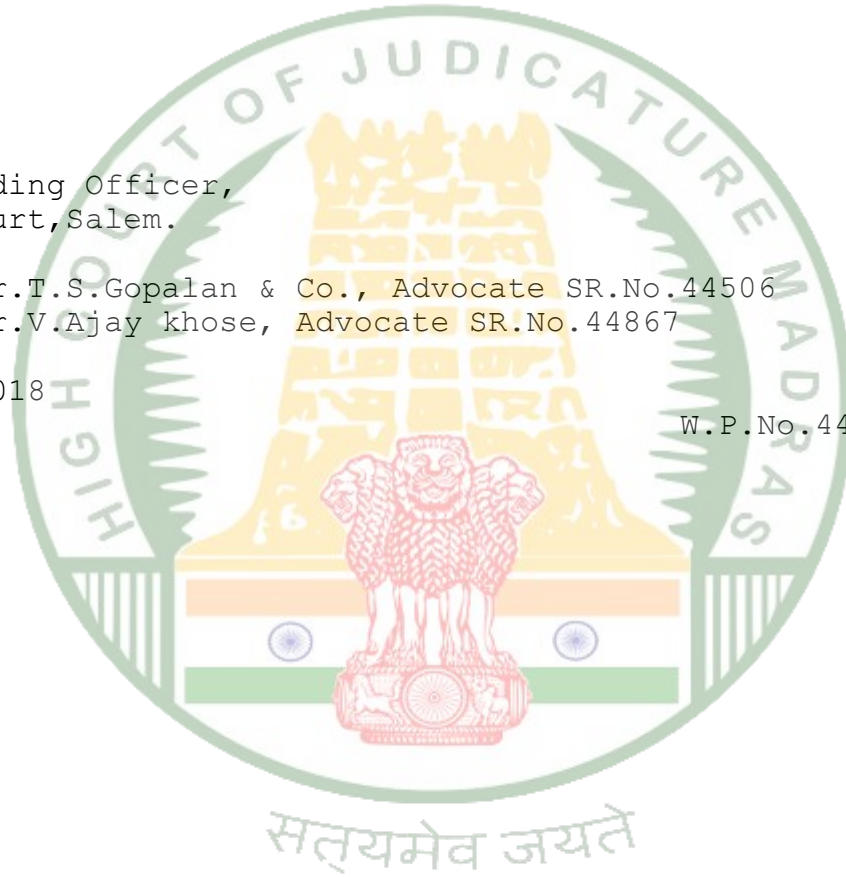
Sub Assistant Registrar

vri
To
The Presiding Officer,
Labour Court, Salem.

+1cc to Mr.T.S.Gopalan & Co., Advocate SR.No.44506
+1cc to Mr.V.Ajay khose, Advocate SR.No.44867

sm:27.7.2018

W.P.No.44428 of 2002



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