

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the First day of August Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE S. VAIDYANATHAN

WMP No.4356 and 4631 of 2019

IN WP.NO.3612/2017

G.BALASUBRAMANI [PETITIONER IN BOTH THE PETITIONS]

Vs

1 THE MANAGING DIRECTOR, [RESPONDENTS IN BOTH THE PETITIONS]
K.M.HOSPITAL, NO.64, MEDAWAKKAM TANK ROAD,
KILPAUK, CHENNAI 600 010

2 THE PRESIDING OFFICER,
II ADDITIONAL LABOUR COURT, HIGH COURT
CAMPUS, CHENNAI 600 104

Petitions praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(1) To permit the petitioner to withdraw deposited amount a sum of Rs.3,22,368/- lying in the credit of CP No.1277 of 2011 on the file of the II Additional Labour Court, Chennai (in WMP.No.4356/2019 in WP.No.3612/2017)

(2) To direct the 1st respondent to deposit the remaining 50 percent (Rs,3,22,368/-) of the amount in the credit of CP No.1277 of 2011 on the file of the II Additional Labour Court, Chennai and on such deposit permit the petitioner to withdraw the same, (in WMP.No.4361/2019) pending disposal of the above in WP.No.3612/2017)

These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.BALAJI, Advocate for the petitioner in both the petitions and of M/s. R. MAHESWARI, Advocate for Respondents 1 & 2 in both the petitions the court made the following order:-

Challenging the order of the II Additional Labour Court, Chennai in C.P.No1277 of 2011, the Management has come forward with the contention that all the amount claimed by the Workman have already been paid and that records have been produced before the Labour Court which has been completely brushed aside and that the employee is not entitled to any relief much less the one sought for by him in the Claim Petition.

2. The case of the Workman is that he has rendered services for more than 6 years and that he had to approach the Labour Court for not paying wages for the period of service rendered till December 2002 and that he had to approach the authority for payment of Gratuity. Though many of the documents have not been produced before this Court, the order of the Labour Court would make it very clear that several documents have been filed by the authorities and evidenced have been let in. From the documents available, it appears that some amount has also been paid, and in any event, whether the petitioner is entitled to the amount lying in deposit before the Labour Court, which is meant for paying to the Workman, shall be decided at the stage of final hearing of the writ petition. During the pendency of writ petition, the workman shall not suffer without any relief.

3. Hence I am of the view that the petitioner would be entitled to interest on the amount that has been deposited with the Labour Court, payable to him every month and the accrued interest shall be paid monthly till the disposal of the writ petition, as only 50% of the amount has been deposited. Instead of directing the Management to deposit the balance amount with the Labour Court, as it has been represented that it is a very small Hospital and not a commercial one like Apollo, which needs to be examined at appropriate stage, directing the Management to pay the interest at 10% per annum on the balance amount lying with them without depositing it, and pay interest monthly commencing from August 2019 and the interest shall be paid monthly, on or before 5th of successive months till the disposal of the writ petition, would meet the ends of justice.

4. While dictating order, a proposal has been made by the Workman with regard to the settlement and the counsel for the Management has averred that amount lying in deposit may be taken and quietus can be given to the entire issue. The learned counsel for the Workman further averred that the amount suggested by the Management is inadequate at this distant point of time. When this Court posed a query as to whether there is a feasibility of enhancing the amount by rounding it off to Rs.4,00,000/-, learned counsel on both sides seek time to get instructions from the parties and report the same to this Court on the next date of hearing.

Post the matter on 16.08.2019.

-sd/-
01/08/2019

/ TRUE COPY /

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

TO

1 THE MANAGING DIRECTOR,
K.M.HOSPITAL, NO.64, MEDAWAKKAM TANK ROAD,
KILPAUK, CHENNAI 600 010

2 THE PRESIDING OFFICER,
II ADDITIONAL LABOUR COURT, HIGH COURT
CAMPUS, CHENNAI 600 104

C.C. to M/S.K.BALAJI Advocate on payment of necessary charges
The Government Advocate, High Court, Madras - 104.

Order
in
WMP.4356/2019 & 4361/2019
in
WP.NO.3612/2017

Date :01/08/2019

From 26.2.2001 the Registry is issuing certified
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