

W.P.No.5490 of 2013

S.VAIDYANATHAN, J.

This matter is listed today under the caption “For Being Mentioned” on the basis of the letter dated 08.01.2020 circulated to the Registry by the Presiding Officer, I Additional Labour Court, Principal Labour Court (FAC), Chennai, seeking certain clarification with regard to the operative portion of the order dated 01.08.2019, especially Paragraph No.8 of the said order.

2. At this juncture, it was brought to the notice of this Court by the learned counsel for the Writ Petitioner that pursuant to the interim order dated 26.07.2013, the Writ Petitioner had already deposited Rs.3,50,000/- before the III Additional Labour Court, Chennai to the credit of I.D.No.158 of 2006, out of which, a sum of Rs.50,000/- had been withdrawn by the respondents 2 to 6 in the main Writ Petition and consequent to the reduction of compensation from Rs.3,50,000/- to Rs.2,50,000/- by this Court on 01.08.2019, the balance amount, if any, needs to be returned to the Writ Petitioner.

3. On a reading of the Paragraph No.8 of the order dated 01.08.2019,

this Court finds that there is some ambiguity between lines on account of repetition of sentences, while typing the order.

4. In view of the above and for the sake of better understanding of Paragraph No.8 of the order dated 01.08.2019, this Court substitutes / clarifies the entire Paragraph No.8 of the order dated 01.08.2019 as under:

"It is seen that the employee had rendered more than 6 years of service and he did not report for work for two years. Moreover, the finding of the Lower Court that the burden is on the employer to establish that the domestic enquiry has been conducted fairly, is not correct, as no proceedings have been produced by the Management. Therefore, this Court, instead of remanding the matter to the Labour Court, moulds the relief of compensation of Rs.3,50,000/- into the one of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) and the same shall be payable to the legal heirs of the Workman, who are before this Court, together with interest at the rate of 6% per annum from the date of Award, along with other terminal benefits, if any due to the employee and the same shall be deposited within 60 days from the date of receipt of a copy of this order, if not already deposited and shall be disbursed to the legal heirs in proportion thereafter, according to their personal laws. It was represented by the Writ Petitioner that the entire Award amount of Rs.3,50,000/- had been deposited by the Writ Petitioner, pursuant to the interim order granted by this

Court, from which, a sum of Rs.50,000/- was withdrawn by the legal heirs. If so, after adjusting the amount already withdrawn by the legal heirs, the balance amount restricting to Rs.2,50,000/- in toto (including the amount already withdrawn) shall be payable to the legal heirs and the remaining amount, if any together with accrued interest shall be returned to the Writ Petitioner / Management. It is made clear that if the Award amount is already deposited in anyone of the Nationalized Banks, then the legal heirs of the employee are entitled to the Bank's rate of interest. ”

5. Except the above modification / clarification, the remaining portion of the order dated 01.08.2019 stands unaltered.

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13.01.2020

Note: Registry is directed to issue a fresh copy of the order and communicate the same to the concerned Labour Court forthwith after carrying out the necessary modification in the order.

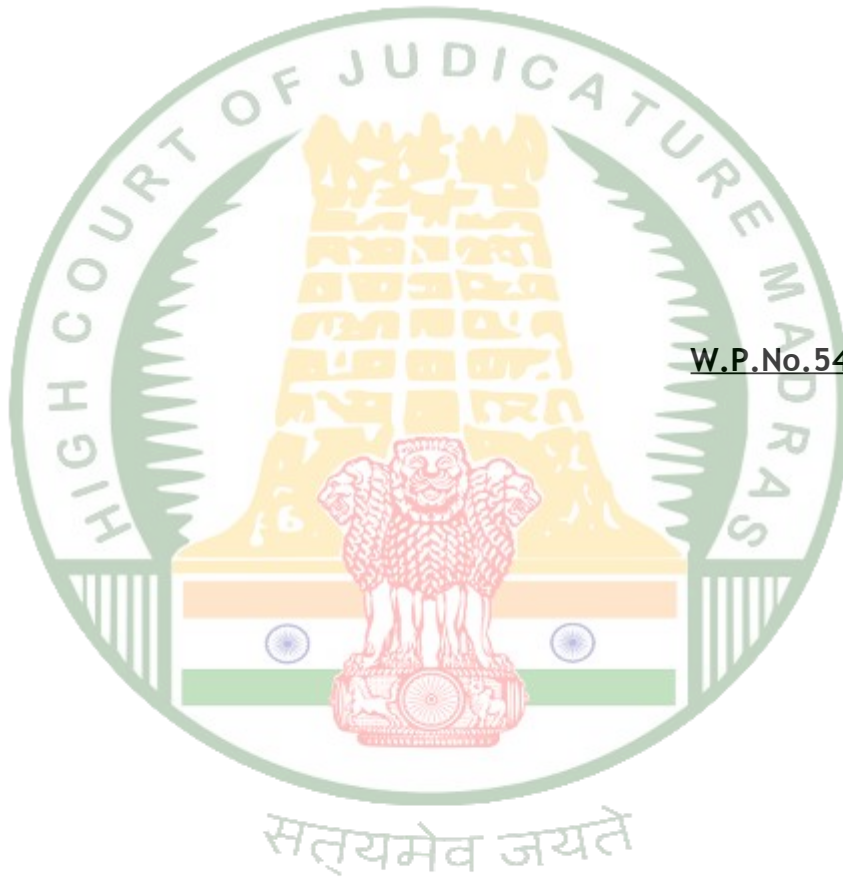
Issue order copy on 22.01.2020

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