

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.09.2019

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33410 of 2017

&

W.M.P.No.36896 of 2017

M/s.YSI Automative India Pvt.Ltd.,
No.112, Singadivakkam,
Kanchipuram Taluk,
Kanchipuram - 631 561.
Rep by its authorized signator
Mr.A.Edward George.

...Petitioner

..Vs..

1.The Presiding Officer,
Principal Labour Court,
City Civil Court Complex,
Chennai - 600 001.

2.B.Suresh Kumar &(15 persons),
rep by Socialist Labour Union,
No.19, Eesaani Moorthi Kovil Street,
Thiruvottiyour, Chennai - 600 019.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the learned II Additional Labour Court to take on record the Set Aside Petition, Condone Delay Petition and Counter filed by the petitioner in C.P.No.633/2014, to proceed further.

For Petitioner : Mr.Inthu Karunakaran

For Respondents : Mr.T.S.N.Prabhakaran (for R.2)

ORDER

The relief sought for in the present writ petition is for a direction to direct the II Additional Labour Court to take on record the Set Aside Petition, Condone Delay Petition and Counter filed by the petitioner in C.P.No.633/2014, to proceed further.

2.The writ petitioner is M/s.YSI Automotive India Pvt. Ltd. The second respondent/workmen filed a Claim Petition in C.P.No.633/2014. An exparte order was passed in claim petition on 19.04.2017. The writ petitioner/Management filed a petition to set aside the exparte order and in the meanwhile, 50% of the award amount had already been deposited by writ petitioner/Management before the II Additional Labour Court, Chennai. The learned counsel appearing on behalf of the petitioner now filed a memo stating as follows;

"4.On 15.05.2019, when the said EP came up for hearing, a conditional, directing the petitioner to deposit 50% (i.e.) Rs.1,68,000/- of the E.P.amount, to deposit in Court was passed since there was no proof for extending the Stay order dated 21.12.2017 in the above writ was produced. To comply with the said conditional order, an amount of Rs.1,68,000/- had been deposited in the Kancheepuram Labour Court.

5.Now, the petitioner is willing to deposit the balance amount of Rs.1,68,000/- as per the order in C.P.No.633 of 2014 towards the entire claim of all the 2nd to 16th respondents against the petitioner herein, with an intension to avoid multiplicity of cases and to put an end to all the cases filed by the 2nd respondent to 16th respondents against the petitioner for the claim of bonus."

3.The learned counsel for the second respondent/workmen also stated that if the Claim Petition amount is settled, then the workmen may not have any claim regarding bonus. Thus, the award amount in its entirety is to be settled for the purpose of satisfying the order passed in the Claim Petition.

4.The learned counsel appearing on behalf of the writ petitioner as well as the respondent/workmen made a submission that in respect of payment of bonus, there would not be any further claim by the workmen and as per the memorandum, the balance 50% is to be deposited by the writ petitioner Company.

5.In this regard, the learned counsel appearing on behalf of the writ petitioner states that the balance 50% of the award amount will be deposited before the Labour Court within a period of two weeks from the date of receipt of copy of this Order and on such deposit, the workmen is entitled to withdraw the entire award amount passed in C.P.No.633/2014 dated 19.04.2017 by filing an appropriate petition before the Labour Court. In this view of the matter, the following directions are issued;

(i)the writ petitioner/Management is directed to deposit the balance 50% of award amount within a

period of two weeks from the date of receipt of copy of this Order.

(ii) on such deposit, the second respondent/workmen are entitled to withdraw the entire award amount by filing appropriate application before the Labour Court.

6. Accordingly, the disputes in relation to the bonus between the writ petitioner and second respondent are settled in entirety. After withdrawal of the entire amount, the Labour Court is directed to close the Execution Petition, filed by the workmen in order to implement the award passed in Claim petition.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Presiding Officer,
Principal Labour Court,
City Civil Court Complex,
Chennai - 600 001.

2. The Presiding Officer,
II Additional Labour Court,
Chennai.

+1 cc to M/s. Inthu Karunakaran, Advocate Sr.No. 80848

AKM/24.10.19/3P-4C /

W.P.No.33410 of 2017