



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 11452 of 2019

N. Kanthiah

... Petitioner

Vs.

The Management,
Sri Ganapathi Mills Company Limited,
Sankarnagar, Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Labour Court, Tirunelveli to disburse the amount of Rs.2,50,000/-with accrued interest to the petitioner deposited by the respondent in Claim Petition No.51 of 2004 by numbering the petitioner's unnumbered petition SR.No.152 dated 25.02.2019, on the file the Labour Court, Tirunelveli within a specific period that may fixed by this Court.

For Petitioner	:	Mr.S.Siva Kumar
For Respondent	:	Mr.Suri

ORDER

The writ petition has been filed seeking for a direction to the directing the Labour Court, Tirunelveli to disburse the amount of Rs.2,50,000/-with accrued interest to the petitioner deposited by the respondent in Claim Petition No.51 of 2004.

2. According to the petitioner, he worked as a Labour in the respondent Company and while, industrial dispute pending the respondent without obtaining any prior approval from the Special Industrial Tribunal, Chennai, terminated the petitioner from service and aggrieved by the same, the petitioner has approached the Tribunal challenging the termination order issued by the respondent in Complaint No.2 of 1993 in I.S. Nos.1, 2 & 3 of 1993. Based on the order passed by this Court in W.P.(MD) No.1145 of 1997 the petitioner has approached the Labour Court in Claim petition No.51 of 2004 to grant all the benefits the same was allowed on 17.05.2012 awarded a sum of Rs.7,12,385/-. During the pendency of the aforesaid claim petition, the respondent has deposited a sum of Rs.2,50,000/- the same was invested in fixed deposit was renewed and



the amount of Rs.4,17,298/-is lying before the Labour Court.

3. According to the petitioner, he filed an interlocutory application in SR.No.152 dated 25.02.2019 before the Labour Court, Tirunelveli the same was returned by stating that interim stay granted by this Court in M.P.(MD) No.1 of 2012 in W.P.(MD) No.15491 of 2012, dated 31.01.2013.

4. The learned counsel appearing for the respondent would submit that the interim order granted by this Court, dated 31.01.2013 in M.P.(MD) No.1 of 2012 in W.P.(MD) No.15491 of 2012 has not been further extended and the respondent/management has deposited the amount before the Labour Court, Tirunelveli in Claim Petition No.51 of 2004. Therefore, the respondent/management has not raised any serious objection for withdrawal of the claim amount as prayed in the aforesaid interlocutory application.

5. In the light of the above said submission, this Court directs the petitioner to represent the aforesaid interlocutory application in SR.No.152 dated 25.02.2019 , within a period of Two (2) weeks from the date of receipt of copy of the order, on being represented the said application by the petitioner, the Labour Court, Tirunelveli is directed to entertain the said application, if it is in order and consider the said application on merits and in accordance with law, after providing an opportunity to the respondent/Management.

6. With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Ksa

To
The Judge,
Labour Court,
Tirunelveli.

+1 CC to M/s.S.SIVA KUMAR, Advocate (SR-81650[F] dated 14/08/2019)
+1 CC to M/s.M.SURI, Advocate (SR-81707[F] dated 14/08/2019)

W.P[MD] No. 11452 of 2019

14.08.2019

_KK/SAR/10.09.2019/2P-4C/