

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION Nos.2648 & 11399 of 2014**

**COMMON ORDER:**

Both these writ petitions are being disposed of by way of this common order, as the issue raised in both these writ petitions is one and the same. Parties are referred to, as arrayed in W.P.No.2648 of 2014.

2. In W.P.No.2648 of 2014, the petitioner-management is challenging the orders passed by the Industrial Tribunal in I.D.No.21 of 2011, dated 29.07.2013, by which, the Labour Court modified the punishment of dismissal to that of demotion to Grade-V Fitter and directed that the salary of the workman shall be re-fixed in the scale of Grade-V Fitter and held that he is not entitled for back wages, attendant benefits and continuity of service.

3. W.P.No.11399 of 2014 is filed by the workman, challenging the Award passed by the Labour Court only to the extent of denying back wages, attendant benefits and continuity of service.

4. Counsel for petitioner in W.P.No.2648 of 2014 has contended that vide order dated 03.02.2014, this Court has suspended the impugned order dated 29.07.2013 passed in I.D.No.21 of 2011, subject to the condition that the petitioner-management shall pay wages under Section 17(b) of the Industrial Disputes Act to the 2<sup>nd</sup> respondent-workman. Pursuant to the said interlocutory orders, the petitioner-management is paying 17(b) wages to the 2<sup>nd</sup> respondent-workman, who had retired from service on 30.04.2019 on attaining the age of superannuation. Counsel

for petitioner-management has contended that in view of the retirement of the 2<sup>nd</sup> respondent-workman on attaining the age of superannuation, the cause in the writ petition may not survive. However, the petitioner-management has contended that they are willing to pay to the 2<sup>nd</sup> respondent-workman, all the Statutory benefits such as gratuity, EPF amounts to him in accordance with law.

5. Counsel appearing for the 2<sup>nd</sup> respondent-workman has also contended that in view of the retirement of the workman, the Award passed by the Labour Court itself is worked out and ends of justice would be met if the writ petition is disposed of directing the petitioner-management to pay gratuity and EPF benefits to the 2<sup>nd</sup> respondent-workman from the date of initial appointment till the date of retirement.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the petitioner-management to release all the statutory benefits such as gratuity, EPF etc., to the 2<sup>nd</sup> respondent-workman in accordance with law, from the date of initial appointment till the date of retirement. The said payment shall be made within a period of Eight weeks from the date of receipt of a copy of this order.

7. With these observations, both the writ petitions are disposed of. No order as to costs. Pending miscellaneous applications, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

30<sup>th</sup> September 2019  
ajr