

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23441 of 2005

ORDER :

This writ petition is filed challenging the order dated 21.06.2004 in M.P.No.2 of 2002 passed by the Labour Court, wherein the Labour Court has directed that the 1st respondent – Workman be paid full wages for the put-off period and erroneously awarded wages under Section 33-C (2) of the Industrial Disputes Act.

Learned Standing Counsel for the petitioner – Corporation contended that initially by order dated 02.11.2005, this Hon'ble Court was pleased to stay the operation of the impugned order dated 21.06.2004 and subsequently, by order dated 26.02.2007, interim stay granted earlier was made absolute on condition of the petitioner depositing half of the amount awarded by the Labour Court with a permission to the workman to withdraw the said amount and in pursuance of the said interim order, the petitioner Corporation has deposited half of the awarded amount i.e., Rs.7,500/- (Rs.15,000/- x 1/2 = Rs.7,500/-) and the 1st respondent – Workman has already withdrawn the said amount of Rs.7,500/-. Now, the only issue is about paying the balance amount of Rs.7,500/- awarded by the Labour Court.

Learned counsel for the 1st respondent – Workman contends that in order to give a quietus to the long pending issue, appropriate orders be passed in this writ petition.

Having considered the rival submissions made by the learned Counsel for the respective parties, this Court is of the considered view that in order to give a quietus to this long pending issue, ends of justice would be met if the order passed by the Labour Court is modified to the extent of holding that the 1st respondent – Workman is entitled to only 50% of the wages and this 50% of the wages have already been deposited by the petitioner Corporation and also withdrawn by the 1st respondent – Workman as per the directions of this Court. In view of the same, no further amount need be paid to the 1st respondent – Workman.

With these observations, the Writ Petition is disposed of.
No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

23.01.2019.
Msr

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