

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2020

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P.No.22326 of 2005

Management
Ashok Leyland
SIPCOT Industrial Complex
Hosur - 635 126.

..Petitioner

-Vs-

1. M.S.Prakash (Died)
2. The Presiding Officer,
Labour Court, Salem.
3. Nalini, W/o M.S.Prakash
4. Sparsha, D/o M.S.Prakash

(R3 and R4 impleaded as per the order of
this Court in WMP No.20564 of 2020 dated
16.12.2020)

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari calling for the records connected with the Award dated 03.06.2004 made in I.D.No.332 of 1998 on the file of the 2nd respondent Labour Court and quash the same.

For Petitioner : Mr.Shivathanu Mohan

M/s.Ramasubramaniam Associates

For Respondents: Mr.Dharanichandar - for R3 and R4

O R D E R

At the instance of the learned counsel for the petitioner, this case has been listed today under the caption 'For Withdrawal'. Learned counsel appearing for the petitioner Management would contend that, the Labour Court award is under challenge in this writ petition, where only a lump sum compensation of Rs.1,50,000/- was directed to be paid to the first respondent workman and no reinstatement was ordered. At the time of admission of this writ petition, by the orders of this Court, the entire lump sum compensation as awarded by the

Labour Court has been deposited in the Labour Court, which is lying in that account.

2. In the meanwhile, the first respondent workman died. In view of the same, W.M.P.No.20564 of 2020 has been filed to implead the legal heirs of the workman.

3. Nevertheless, since the petitioner Management want to withdraw the writ petition and not agitate the issue, the learned counsel for the petitioner seeks the permission of this Court to withdraw the writ petition itself, of course by giving a liberty to the respondent workman's legal heirs concerned.

4. The said submission made by the learned counsel for the petitioner is taken on record and the same since has not been controverted by Mr.Dharanichandar, learned counsel appearing for the respondents 3 and 4 viz., the legal heirs of the first respondent workman, recording the aforesaid submission, this Court is inclined to dispose of this writ petition with the following order.

5. The permission sought for by the learned counsel for the petitioner to withdraw the writ petition is granted and accordingly the writ petition is dismissed as withdrawn. Consequently, it goes without saying that the legal heirs of the respondent workman are entitled to withdraw the said lump sum compensation of Rs.1,50,000/- already deposited by the petitioner Management along with accrued interest, by filing appropriate application to the satisfaction of the Labour Court. If such application is filed by the legal heirs of the respondent workman viz., respondents 3 and 4 herein, the Labour Court shall pass necessary orders within a period of 30 days from the date of filing of such application by the legal heirs.

6. It is further made clear that in view of the withdrawal of the writ petition at the instance of the petitioner, the entire amount as directed by the labour Court since has been deposited which is going to be withdrawn by the legal heirs of the respondent workman along with accrued interest, the withdrawal shall be treated as full and final settlement.

7. With the above observations and directions, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer, Labour Court, Salem.

+1cc to Mr.R.Dharanichandar, Advocate, S.R.No.41255

+1cc to Mr.S.Ramasubramaniam Asso., Advocate, S.R.No.41256

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