

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE  
AND  
The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.921 of 2020  
and CMP No.11368 of 2020

Management of Obli Granites  
Chellapillai Kuttai Post  
Omalur Taluk, Salem District - 634 304 .. Appellant

-vs-

1. The Presiding Officer,  
Labour Court, Salem.

2. P.Rama Reddy
3. C. Nataraj
4. N. Kannan
5. P.V. Ramesh
6. A. Rajendran
7. K. Srinivasan
8. N. Saravanakumar
9. S. Venkatachalam
- 10.T. Rajendran
- 11.C. Elumalai
- 12.K. Palaniappan
- 13.K. Ramasamy
- 14.P. Venkatesan
- 15.K. Kannan
- 16.G. Vijayakumar
- 17.K. Arun
- 18.G. Sivaperumal

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 25.08.2020 passed in W.P.No.15142 of 2014 on the file of this Court.

Prayer in WP.15142/2014: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the 1st respondent in I.D.No.114, 115, 117 to 124, 126 to 131 of 2010 and I.D.38 of 2011 and quash its award dated 27.1.2014

For Appellant : Mr.Anand Gopalan for  
M/s T.S.Gopalan and Co

For R.2 to R.18 : Mr.K. Srinivasamurthy

#### JUDGMENT

(Delivered by SENTHILKUMAR RAMAMOORTHY, J.,)

This appeal lies within a very limited compass.

2. We heard Mr.Anand Gopalan, learned counsel for the appellant/management and Mr.K.Srinivasamurthy, learned counsel for the respondents/workmen.

3. By the impugned order dated 25.08.2020, the learned Single Judge had directed that in respect of five respondents in the writ petition, who were categorised under 'Category-2', the appellant herein shall pay the last drawn wages from the month of August 2017 onwards. As regards, the period prior to 31.07.2017, the learned Single Judge held that the liability in respect of the said period shall be considered at a later stage of the writ petition.

4. The primary contention of Mr.Anand Gopalan is that a sum of Rs.1,00,000/- was paid to each of the workmen pursuant to the order dated 11.10.2018 in CRP (NPD) Nos.1401 of 2017 etc., batch. Although this fact was brought to the notice of the learned Single Judge, the payment of the sum of Rs.1,00,000/- has not been taken into consideration while directing the payment of 17-B wages to the said persons. He further submits that if the sum of Rs.1,00,000/- is not taken into consideration while paying 17-B wages, the persons in 'Category-1', as per the impugned order, who have been reinstated, would be in a disadvantageous position. In addition, he submits that because the liability for the period prior to 31.07.2017 is disputed, it may not be possible to make adjustments subsequently at the time of final disposal.

5. In response, Mr.K.Srinivasamurthy, learned counsel submits that it is a statutory mandate to pay 17-B wages from the date of filing of the writ petition in the year 2014. He further submits that the sum of Rs.1 lakh can be adjusted at the time of final disposal of the writ petition.

6. We find that the challenge to the award of the Labour Court, if decided, would resolve the dispute comprehensively.

Therefore, at this juncture, we are not inclined to interfere with the interim arrangement made by the learned Single Judge. However, we request the learned Single Judge to dispose of the main writ petition at an early date. While disposing of the main writ petition, the contention with regard to the payment of the sum of Rs.1,00,000/- (Rupees one lakh only) to the workmen may be taken into consideration while deciding the entitlement of the workmen, and necessary adjustments may be made to the payables to the workmen on that basis.

7. This writ appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,  
Labour Court, Salem.

+1cc to M/s. Row & Reddy, Advocate, Sr.No.34970

W.A.No.921 of 2020

mp (co)  
rr ii (02/12/2020)

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