

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.19758 of 2018
and W.M.P.No.23206 of 2018

The Management

M/s. Easun Reyrolle Ltd.,

rep. by tis (Head - HR/Admin)

I.K.Gomathi Sankar,

Plot No.98, SIPCOT Industrial Complex,

Hosur - 635 126

Krishnagiri District.

... Petitioner

Vs.

K.Srinivasan

S/o P.Kalappan

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the entire records relating to the impugned order passed by the Labour Court, Salem in R.E.P.No.3 of 2017 in I.D.No.132 of 2012 dated 12.07.2018 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Bharath Kumar

ORDER

This Writ Petition is filed challenging the order passed by the Labour Court Salem, in REP.No.3/2017 in I.D.No.132/2012 dated 12.07.2018 issuing arrest warrant against the petitioner.

2. The respondent herein got an award from the Labour Court in I.D.No.132/2012 dated 25.04.2016 for reinstatement with 50% backwages. To execute the said award, the respondent preferred Execution Petition in REP.No.3/2017, wherein the Labour Court passed an order of arrest which is under challenge in the present Writ Petition.

3. Even though a Writ petition was filed in W.P.No.29624 of 2017, challenging the very award made in I.D.No.132/2012, no interim order was granted therein. Therefore, it is evident that there is no impediment for the Labour Court to execute the award. However, when this writ petition was entertained on 31.10.2018, this Court granted interim stay subject to the condition that the petitioner should deposit 50% of the benefit computed by the Labour Court within a period of two weeks, also

with an observation that permission will not be granted to the workman to withdrawn the said amount. However, the said conditional order was not complied with and therefore, this Court, by order dated 21.02.2019 vacated the interim stay already granted. Thereafter, when the matter was listed before this Court on 10.012.2019, the learned counsel appearing for the petitioner sought time to get instructions and report as to whether the Management could settle the issue. Accordingly, the matter was adjourned to 16.12.2019. However, the learned counsel for the petitioner submitted on the said day that the petitioner Company is facing insolvency proceedings and therefore, they are not able to effect any payment.

4. This Court passed an order on 16.12.2019 holding that there is no impediment for the Labour Court to execute the order of arrest already passed on 12.07.2017 and that the pendency of the writ petition will not be a bar for the Labour Court to execute the order of arrest. Thereafter, the matter was adjourned for three weeks and accordingly, it is listed today for further hearing.

5. Learned counsel for the petitioner is not in a position to improve the case in any manner except to reiterate the submissions already made.

6. In view of the stand taken by the petitioner, I do not think that this Writ Petition needs to be kept pending since the challenge made in this writ petition is only against the order of arrest passed by the Labour Court in the execution proceedings. In the absence of any stay granted in the writ petition filed by the Management against the award of the Labour Court in W.P.No.26924/2017, the Labour court cannot be found fault with in passing the impugned order of arrest. Accordingly, I find no merits to entertain the present writ petition. Thus, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.S.IV)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer, Labour Court, Salem.

Copy To: The Section Officer, V.R.Section,
High Court of Madras, Chennai -104.

AKM/03.03.2020/2P-3C /

W.P.No.19758 of 2018