

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty Eighth day of September Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WMP No.24158 of 2019

IN .WP.NO.24420/2019

1 THE MANAGEMENT, [PETITIONER]
M/S. CONSOLIDATED CONSTRUCTION CONSORTIUM
LIMITED, NO. 5, 2ND LINK ROAD, CIT COLONY,
MYLAPORE, CHENNAI 600 007.

Vs

1 S.SRIVITHYA LAKSHMI [RESPONDENTS]
2 JOINT COMMISSIONER OF LABOUR
-1/, CONTROLLER OF PAYMENT OF WAGES ACT
COMMISSIONERATE OF LABOUR, DMS CAMPUS,
TEYNAMPET, CHENNAI 600 006.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay the operation of the order passed by the 2nd respondent in P.W.No. 10 of 2019 dated 02.04.2019 and consequential action taken by the 2nd respondent vide letter dated 09.07.2019 (WMP.24158/2019) pending disposal of the above WP.24420/2019

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MS.LAKSHMI PRIYA FOR MR.S.KARTHIKEI BALAN, Advocate for the petitioner and of MR.T.V.G.KARTHEEBAN, Advocate for the 1st Respondent and of MR.D.SATHYARAJ, SPECIAL GOVERNMENT PLEADER on behalf of the 2nd Respondent the court made the following order:-

O R D E R
(through video conference)

Heard Ms. Lakshmi Priya, Learned Counsel appearing for the Petitioner, Mr. T.V.G.Kartheeban, Learned Counsel for the First Respondent and Mr. D.Sathyaraj, Learned Special Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the order in P.W. No. 10 of 2019 dated 02.04.2019 passed by the Second Respondent under the Payment of Wages Act, 1936, in which the wages due to the First Respondent has been determined. When the matter came up for hearing on 24.08.2020, this Court passed the following self-explanatory order:-

" The Writ Petition challenges the order in P.W. No. 10 of 2019 dated 02.04.2019 passed by the Second Respondent under the Payment of Wages Act, 1936, in which the wages due to the First Respondent has been determined and it would not be just to unconditionally stay the impugned order without providing security for its due compliance, if it is ultimately upheld.

2. Having due regard to the contentions raised in the Writ Petition, there shall be an order of interim stay of the impugned order till the next hearing on condition that the Petitioner shall invest the determined sum of Rs. 34,972/- towards arrears of wages due in an interest fetching fixed deposit in any Nationalized Bank in Chennai City in the name of the Registrar-General of this Court initially for a period of one year and renewable automatically for the same period from time to time and the original receipt shall be handed over to the Registrar-General of this Court under written acknowledgment and proof of such compliance shall be filed before this Court by 25.09.2020.

Post the matter under the caption 'Payment of Wages cases' on 28.09.2020."

It is informed by the Learned Counsel for the Petitioner that the condition imposed by this Court in the aforesaid order has not been complied. In view of the same, the interim stay earlier granted on 25.08.2020 stands vacated. The First Respondent is not precluded from working out her remedy for recovery of the amount due under the impugned order in the manner recognized by law, subject to the result of the Writ Petition.

Accordingly, the application in W.M.P. No. 24158 of 2019 in W.P. No. 24420 of 2019 is dismissed.

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-sd/-
28/09/2020
/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 JOINT COMMISSIONER OF LABOUR
-1/, CONTROLLER OF PAYMENT OF WAGES ACT
COMMISSIONERATE OF LABOUR, DMS CAMPUS,
TEYNAMPET, CHENNAI 600 006.

2 THE REGISTRAR-GENERAL
HIGH COURT, MADRAS 104.

C.C. to M/S.S.KARTHIKEI BALAN Advocate on payment of
necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in

WMP.24158/2019

in

WP.NO.24420/2019

Date :28/09/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 06/10/2020



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