

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.25695 of 2017
and
W.M.P.No.27109 of 2017

The Management
The Lakshmi Vilas Bank Ltd.,
HRD Department
Corporate Office, LVB House
No.4, Sardar Patel Road,
Guindy, Chennai-600 032.

... Petitioner

vs.

1.The Presiding Officer
Central Government Industrial Tribunal-
cum-Labour Court
Chennai-600 006.

2.P.G.Venkatesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the records relating to the order dated 14.07.2017 passed by the Central Government Industrial Tribunal-cum-Labour Court, Chennai, the first respondent herein, in C.P.No.46 of 2016 and quash the same.

For Petitioner : Mr.T.R.Sathiyamohan
For Respondents : Mr.Balan Haridas, for R2

O R D E R

The Management is the writ petitioner herein. Challenge made in this writ petition is against the order of the first respondent dated 14.07.2017 made in C.P.No.46 of 2016. The second respondent herein filed the said C.P. under Section 33 (C) (2) of the Industrial Disputes Act, for issuing a direction to the Management to pay a sum of Rs.34,70,580/- towards the difference of wages for the period from June 1999 to June 2016 along with interest @ 18% p.a.

2. After contesting the matter, the Labour Court passed the impugned order directing the Management to pay a sum of Rs.34,70,580/- with interest @ 7.5% p.a. from 06.10.2016, being the date on which, the petition was filed.

3. The learned counsel for the petitioner-Management submitted that though the present writ petition is filed challenging the order made in C.P.No.46 of 2016 in its entirety, the grievance of the Management is not against the quantum as well as the rate of interest awarded by the Labour Court, but only against the date from which, the interest was ordered to be paid. In other words, it is the contention of the learned counsel for the petitioner-Management that when the proceedings before this Court in W.A.(MD)No.1293 of 2016 was pending arising out of the dismissal order issued against the second respondent-Workman, the Labour Court was not justified in ordering the interest from the date of application. It is contended by the learned counsel that when the writ appeal was disposed of only on 07.12.2017, the Labour Court has passed the impugned order on 14.07.2017 to pay the interest as well from 06.10.2016. Therefore, it is contended that the commencement of the date for paying interest is to be modified.

4. On the other hand, the learned counsel for the second respondent-Workman submitted that the Workman has succeeded before the Labour Court in challenging the order of dismissal from service and the writ petition in W.P.(MD) No.6766 of 2007 filed by the Management was also dismissed and the writ appeal filed in W.A.(MD).No.1293 of 2016 alone was pending without there being any interim order. Therefore, the second respondent filed a claim petition on 06.10.2016 for making payment and thus, the Labour Court was right in ordering interest from the date of application.

5. Heard both sides and perused the materials placed before this Court.

6. The dispute between the parties is not with regard to the quantum arrived by the Labour Court or the rate of interest fixed for payment towards the said principal sum of Rs.34,70,580/-. On the other hand, the petitioner-Management is contesting the matter only in respect of the date on which, the interest is liable to be paid. No doubt, the petitioner-Management challenged the order passed by the Labour Court in W.P.(MD) No.6766 of 2007 and consequently, it culminated into filing of writ appeal by the very Management. It is an admitted fact that during pendency of this proceedings, no interim order was passed in favour of the Management. When such being the factual position, liability to pay the amount as ordered by the Labour Court in the present impugned order would arise from the date, when it becomes due. Therefore, when the application filed by the second respondent was allowed, the Labour Court was justified in ordering, payment of interest from the date of application. Hence, I find no error or irregularity in the order of the Labour Court to interfere with the same.

7. Accordingly, the Writ Petition fails and the same is dismissed. The petitioner-Management is directed to implement the order dated 14.07.2017 passed by the Labour Court within a period of six weeks from the date of receipt of a copy of this order. If any amount is already paid by the Management out of the total amount as ordered by the Labour Court, the same shall be given credit to and the balance amount shall be paid within the time stipulated as stated supra. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

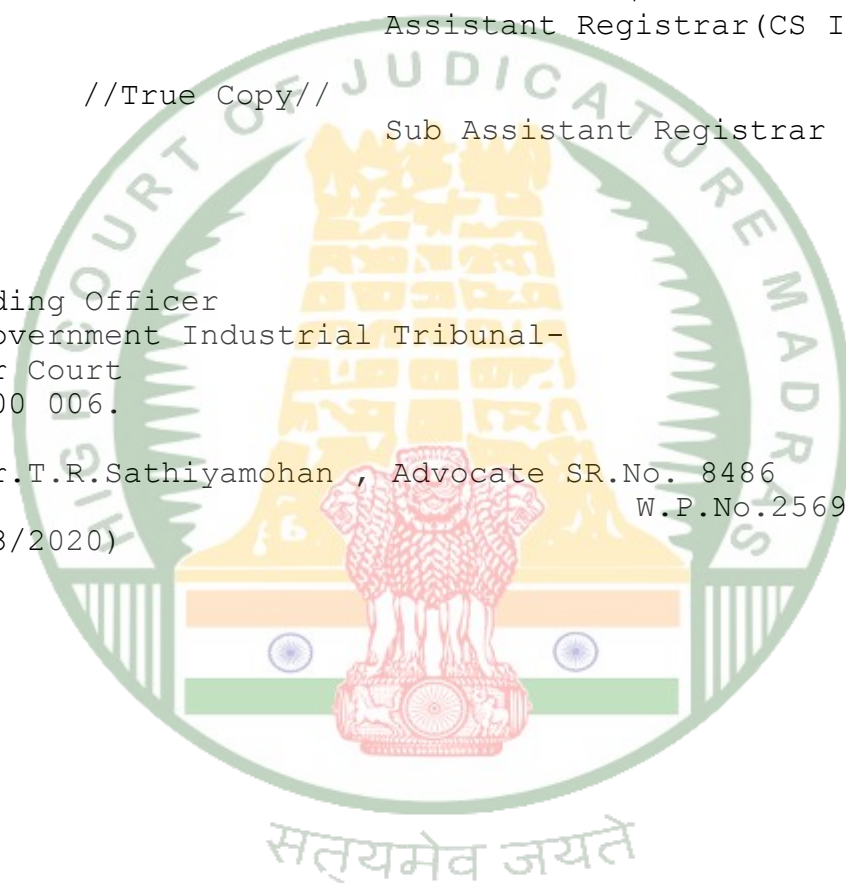
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To

The Presiding Officer
Central Government Industrial Tribunal-
cum-Labour Court
Chennai-600 006.

+1cc to Mr.T.R.Sathiyamohan , Advocate SR.No. 8486

W.P.No.25695 of 2017

A.SK(04/03/2020)



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