



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Ninth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP(MD) No.7597 of 2020

IN

WP(MD) No.8178 of 2020

(Through Video conferencing)

THE MANAGMENT

A-1235 MADURAI TALUK AGIRCULTURE PRODUCERS

CO-OPERATIVE MARKETING SOCIETY LTD.,

NO.31, VISUVASAPURI 3RD STREET,

GNANAVOLIVUPURAM, MADURAI.

... PETITIONER/ PETITIONER

Vs

M.BALAJI

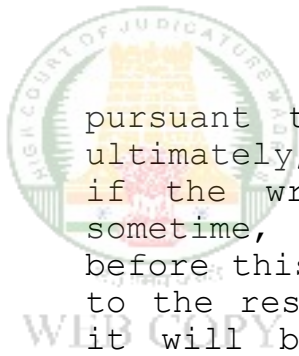
... RESPONDENT/ RESPONDENT

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 Labour Court, Madurai in ID No.4/2017 dated 18.09.2019 pending disposal of the above WP and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.KUMAR, Advocate for the petitioner, While admitting the Writ Petition, the court made the following order:-

Since the Labour Court, in the impugned award, found the issue in favour of the respondent employee that his resignation was not accepted by the petitioner employer and accordingly, the Labour Court directed the petitioner employer to reinstate the respondent employee into service. However, the Labour Court was very cautious and by adopting the principle of 'no work, no pay' has denied the backwages, however, only with the continuity of the service. This is a very well balanced order passed by the Labour Court. But, anyhow, since the very award itself is under challenge and the decision taken by the Labour Court is questioned now, the writ petition is admitted.

2.However, this Court is not inclined to interfere with the impugned award by way of any interim order staying the operation of the award. The reason being that if the award is stayed,



pursuant to which, if the respondent is not reinstated and if ultimately, this Court finds the Labour Court award is correct and if the writ petition is dismissed at the final hearing after sometime, for the whole period, where the writ petition is pending before this Court, the petitioner Society has to pay the full salary to the respondent without even extracting any work. In that case, it will be an unnecessary loss to be caused to the petitioner Society. In order to avoid the same, this Court feels that while admitting the writ petition, the impugned award cannot be interfered with at this stage.

3. Therefore, let the respondent be reinstated, pursuant to the impugned award, by the petitioner Society and such reinstatement, no doubt, shall be subject to the outcome of the writ petition.

4. In view of the above, WMP(MD) No.7597 of 2020 i.e., the stay petition is hereby dismissed.

sd/-
29/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

THE LABOUR COURT,
MADURAI.

ORDER
IN
WMP(MD) No.7597 of 2020
IN
WP(MD) No.8178 of 2020
Date :29/07/2020

MS/JC/SAR-2/04.08.2020/2P.2C