



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD) No.25946 of 2019

and

W.M.P(MD).Nos.22471 and 22473 of 2019

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The Joint Registrar/Special Officer,
A1437-Madurai District Pandian Consumer
Co-operative Wholesale Stores Ltd.,
216, P.P.Chavady, Mudakkusalai,
Madurai 625 016.

... Petitioner

/vs./

V.Jayabalan

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records in pursuant of impugned award order in C.P.No.94 of 2016 dated 21.12.2018 passed by the Presiding Officer, Labour Court, Madurai and quash the same as illegal.

For Petitioner	: Mr.P.Saravanakumar
For Respondent	: Mr.T.A.Ebenezer

ORDER

On an application filed under Section 33 C (2) of the Industrial Dispute Act by the petitioner herein in C.P.No.94 of 2016, the Labour Court, Madurai had passed an award computing the claim petition and directing the respondents herein to disburse a sum of Rs.54,264/- towards earned leave Salary and a further sum of Rs.3,600/- towards caution deposit together with interest at the rate of 8% per annum from 30.11.2010. Aggrieved against the award passed by the Labour Court, the present writ petition has been filed.

2.Today, when the matter was called, the learned counsel for the petitioner would submit that, without pressing the grounds raised in this writ petition, they are willing to pay the award amount to the respondent, provided the interest of 8% ordered under the award is reduced to 6%.

3.The learned counsel for the respondent, on instructions, submits that the respondent is willing to receive the award amount together with interest at the rate of 6% instead of 8%.

4.According to both the counsels, the total amount due under

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the award, if the interest is calculated at the rate of 6%, would be Rs.62,760.39/-.

5. In view of the submission made by both the counsels, it would be appropriate to modify the award dated 21.12.2018, insofar as it pertains to the levy of interest at the rate of 8% per annum into one of 6% per annum. All other averments made in the award dated 21.12.2019 shall remain intact.

6. It is brought to the notice of this Court that pursuant to the interim order passed in the present writ petition, the petitioner herein had deposited a sum of Rs.60,000/- on 27.12.2019 before the Labour Court, Madurai to the credit of C.P.No.94 of 2016. After adjusting, a sum of Rs.26,498/- received by the petitioner through ECS on 08.03.2019, the petitioner is granted liberty to make an appropriate application before the Labour Court seeking for withdrawal of the remaining sum of Rs.33,502/- and on receipt of such application, the learned Presiding Officer of the Labour Court shall pass positive orders permitting the respondent to withdraw the said amount deposited by the petitioner herein. There shall also be a further direction to the petitioner to pay balance amount of Rs.2,760.39 to the respondent atleast within 15 days from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar

/True copy/

/02/2020
Sub Assistant Registrar

rmk
To:

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-4857[F] dated 05/02/2020)

Order made in
W.P.(MD) No.25946 of 2019
05.02.2020

KK/SAR/20.02.2020/2P-2C