

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.1046 of 2021
and C.M.P.Nos.6617 and 6776 of 2021

1. M/s.Malli Security and Detective Services,
959, Poonamallee High Road,
Vepperi, Chennai 600 084.
 2. M/s.Alert Security Service,
No.106, Sowrimuthu Street,
Ret Fields Road, Coimbatore.
 3. M/s.Pudukottai Security Service,
No.1, Jawan Welfare Shop,
Kumundamkulam Road, Near Old
Bus-stand, Pudukottai 622 001.
 4. M/s.National Security Service,
No.5/539, Kamarajar Street,
Dharmapuri 636 705.
- .. Appellants

-vs-

1. The General Secretary,
Tamil Manila Tholaithodarpur Contract
Labour Union; (Registration No.2810/CNI)
Bharat Sanchar Nigam Limited,
Tamil Nadu Circle, No.3/300, Telecom Nagar,
Chennai Main Road, Villupuram 605 602,
Rep. by its Gen.Secretary, R.Selvam.
2. The Chairman and Managing Director,
BSNL, Corporate Office,
Harishchandra Mathur Lane,
Janpath, New Delhi 110 001.

3. The Chief General Manager,
BSNL, Tamil Nadu Telecom Circle,
7th Floor, BSNL Admn Building,
No.16, Greams Road, Chennai 600 006.
4. The Regional Labour Commissioner (Central)
No.26, III Block, 5th Floor, Shastri Bhawan,
Haddows Road, Nungambakkam,
Chennai 600 006.
5. M/s.Sri Balaji Agency,
No.7/13, III Cross Street,
V.N.Nagar, Trichy 620 002.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 22.03.2021 passed in W.P.No.34570 of 2019 on the file of this Court.

Prayer in W.P.No.34570 of 2019:

Directing the respondents to pay the wages EPF and ESI Contribution to Contract Labourers from January 2019 to October 2019 and bonus for the year 2018-2019 within a period of time as stipulated by this Honourable Court.

For Appellants : Mr.R.Arumugam

For Respondents : Mr.S.Udayakumar
for RR 1 to 3

: Mr.V.Chandrasekaran
Spl. Panel Counsel for R-4

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The appellants seek to question an interim order passed on March 22, 2021 in a batch of writ petitions.

2. It is evident from paragraph 15 of the order impugned that money has been required to be kept deposited, subject to further orders upon ascertaining the individual entitlements of the employees. It does not appear that such order causes any prejudice since the disbursement has to be made only upon the entitlement of all the employees being worked out. The Writ Court has required a sufficient amount to be kept in deposit which may account for a substantial part of the ultimate amount which has to be disbursed. The matter is due to appear next

before the Writ Court on April 7, 2021 which is nearly a week from date. In the event the appellant herein seeks any modification, it will be open to the appellant to make an appropriate prayer, the interim order impugned does not appear to be unreasoned or so prejudicial to the appellant that it must be stayed or interfered with.

3. W.A.No.1046 of 2021 is disposed of by leaving the appellant free to request the Writ Court to take the appellant's application for modification. However, it will be completely the discretion of the Writ Court whether the modification application is taken up independently or along with the writ petition at the final hearing.

There will be no order as to costs. Consequently, C.M.P.Nos.6617 and 6776 of 2021 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

SRA

To

1. The Chairman and Managing Director,
BSNL, Corporate Office,
Harishchandra Mathur Lane,
Janpath, New Delhi 110 001.
2. The Chief General Manager,
BSNL, Tamil Nadu Telecom Circle,
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W.A.No.1046 of 2021

KV(CO)
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