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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.15578 of 2021

V.Loganathan

...Petitioner

Vs

The Management,
M.s.Global Kid Leather,
Head Office
No.20, Salai Street, Choolai,
Chennai - 600 112.
Branch Office,
Azecz Export @ Global Kid Leathers,
No.3, Moda Ibrahim Sahib Street,
Pammal, Chennai - 600 044.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the I Additional Labour Court, Chennai - 104 to entertain the petition No.I.A.SR.No. 1690 of 2021 filed by the petitioner, petition to withdraw the amount of Rs.2,27,750,- lying in the Award I.D.No.251 of 2021 dated 24.11.2016 with interest.

For Petitioner : Mr.J.Muthukumaran

ORDER

The petitioner's application, seeking to withdraw the amount lying in deposit before the I Additional Labour Court, Chennai, has been returned by the Registry of the Labour Court, questioning the maintainability of the application.

2. Since the petitioner questions the endorsement made by the Registrar of the Labour Court, even before hearing the respondent, notice to the respondent is dispensed with.

3. A perusal of the application returned endorsement evidences that the Registry had gone into the merits of the claim made by the petitioner in his application. Such reasoning on merits, for returning the application, cannot be sustained, since the same can be done only through a judicial order.



4. Nevertheless, if the issue with regard to maintainability of the application is kept open for deliberation during the course of hearing of the application for withdrawal of the amount, the ends of justice could be secured.

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5. In the light of the above observation, the petitioner is called upon to re-present the application in I.A.SR.No.1690 of 2021 before the Registry of the I Additional Labour Court and on receipt of the same, the Registry shall number the same, if it is otherwise in order, within a period of 2 days from the date of receipt of a copy of this order and post the same before the Court for hearing.

6. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

hvk

To

The Registrar,
I Additional Labour Court,
Chennai - 600 104.

+1CC to Mr.J.Muthukrishnan, Advocate SR No.38645

W.P.No.15578 of 2021

GPL (CO)
B.VC (16.08.2021)