IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 13600 of 2016

The Management of Jayagopal Garodia,
Vivekananda Vidyalaya,
Vivekananda Nagar,
Poonamalle High Road,
Avadi,
Chennai – 600 054. … Petitioner

-vs-

1. The Presiding Officer,
   Principal Labour Court,
   Chennai – 600 104.

2. Siranjeevi ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, call for records in I.D. No. 330 of 2014, quash the award dated 11.06.2015 passed by the First Respondent.

For Petitioner	:	Mr. M.R.Raghavan
For Respondents	:	R1 – Court
		Mr. C.Sundaramoorthy (for R2)

O R D E R

Heard Mr. M.R.Raghavan, Learned Counsel for the Petitioner and Mr. C.Sundaramoorthy, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. This Court during the earlier hearing on 18.07.2022, had passed the following self-explanatory order:-

> *"2. The Writ Petition challenges the award dated 11.06.2015 in I.D. No. 330 of 2014 passed by the First Respondent directing the reinstatement of the Second Respondent in service with full backwages and all other attendant benefits. In W.M.P. No. 11905 of 2017 filed by the Petitioner, this Court by order dated 11.04.2016 had granted interim stay of the impugned award on condition that the Petitioner shall deposit a sum of Rs. 2,00,000/- to the Second Respondent to the credit of the industrial dispute. After the Second Respondent had filed W.M.P. No. 27113 of 2016 to the vacate that order, another order dated 02.01.2017 was passed permitting the Second Respondent to withdraw 50% of that amount deposited and in the order dated 02.08.2017, the Writ*

Petition was directed to be posted for final disposal.

3. It is apparent from the impugned award that the Petitioner did not lead any evidence rebutting the contention of the Second Respondent in the matter. In furtherance to the settlement proposal dated 06.12.2019 made by the Second Respondent, the Petitioner in the memo dated 09.01.2020 has made a counter proposal that it is willing to pay another sum of Rs. 3,00,000/- to the Second Respondent in full and final settlement without prejudice to its contention in the Writ Petition.

4. When the matter is taken up for hearing today, Learned Counsel for the Petitioner, on instructions, states that as the Second Respondent was not agreeable to accept the same, the Petitioner is willing to increase that offer from Rs. 3,00,000/- to Rs. 5,50,000/- in addition to the amount already deposited.

5. Though Learned Counsel for the Second Respondent claims that more than Rs. 10,00,000/- is due from the Petitioner to the Second Respondent as per the impugned award, in order to prove *its bonafides, the Petitioner shall invest a further sum of Rs. 5,50,000/- in an interest fetching fixed deposit in the name of the First Respondent to the credit of the industrial dispute in any Nationalized Bank in Chennai initially for a period of one year and renewable automatically for the same period from time to time and hand over the original receipt of the fixed deposit to the First Respondent under written acknowledgment and shall file proof of such compliance by 16.08.2022 before the Registrar (Judicial) of this Court. It is made clear that if the aforesaid requirement is not carried out, the Second Respondent shall not be precluded from recovering the amount due from the Petitioner as per the impugned award in the manner recognized by law, subject to the result of the Writ Petition.*

Post the matter on 18.08.2022."

When the matter was taken up for hearing on 18.08.2022, the Petitioner had produced proof of compliance of the condition imposed in the earlier order and the order of interim stay granted on 12.04.2016 in W.M.P. No. 11905 of 2017 by the Court was extended until further orders, and Learned Counsel for both sides sought time to amicably resolve the disputes between the parties and report its outcome on the next hearing.

3. In furtherance to the said order passed on 18.08.2022, Learned Counsel for the Second Respondent submits that inasmuch as the impugned order has been passed without recording the evidence of the Petitioner, it may be set aside and the matter may be remitted to the First Respondent for fresh disposal on condition that the Petitioner may be permitted to withdraw the remaining sum of Rs. 1,00,000/- that has been remitted by the Petitioner in the Labour Court as per the order dated 12.04.2016 passed in W.M.P. No. 11905 of 2016 by the Court, and he has made endorsement to that effect in the Court record.

4. Having regard to the said concordance arrived between the parties and to shorten the litigation, the impugned award dated 11.06.2015 in I.D. No. 330 of 2014 passed by the First Respondent is set aside and that the industrial dispute in I.D. No. 330 of 2014 shall be restored to the file of the First Respondent and listed for next hearing on 07.12.2022. The parties or their respective Counsel shall attend the hearing on the said date as well as on the subsequent dates to which it is adjourned and extend their co-operation for the early disposal of the matter. The Petitioner shall be cross-examined and both parties are not precluded from examining other witnesses and producing documents in respect

of their respective contentions. After affording full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, the First Respondent shall deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to the concerned parties under written acknowledgment and depending upon its outcome, the First Respondent shall decide as to the manner in which the remaining sum of Rs. 5,50,000/- in Fixed Deposit would have to be dealt by the parties. It shall be ensured that there is atleast one effective hearing every week showing progress of the case and monthly reports in that regard shall be sent to the Registrar (Judicial) of the Court till the matter is finally disposed.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

29.08.2022

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Index: Yes/No
Note: Issue order copy by 04.11.2022.

To

The Presiding Officer,
Principal Labour Court,
Chennai – 600 104.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.

P.D. AUDIKESAVALU, J.

skr

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29.08.2022