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W.M.P.No.4382 of 2020 in
W.P.No.14791 of 2018

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R.SURESH KUMAR, J.

When the writ petition is taken up for hearing, even though the learned counsel appearing for the respondent workman is ready for hearing, the learned counsel appearing for the petitioner due to some personal inconvenience is not able to appear before this Court, Mr.A.Leeba, learned representing counsel for the petitioner Management seeks some accommodation.

2. However, Mr.J.Arokhiaraj, learned counsel appearing for the respondent workman submitted that he has filed a miscellaneous petition in W.M.P.No.4382 of 2020, where, he seeks for a direction to direct the 1st respondent therein i.e. the Presiding Officer of the Labour Court, Coimbatore to disburse the 50% award amount to the petitioner, which was deposited by the 2nd respondent by Demand Draft dated 16.08.2018 on the Union Bank of India payable at Coimbatore Service Branch favouring the Presiding Officer, Labour Court, Coimbatore to the account impugned I.D.No.275 of 2022.



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3. It is to be noted that at the time of admission of writ petition, this Court in W.M.P.No.17485 of 2018 has granted a conditional interim order of stay with condition that the Management shall deposit 50% of the award amount within a period of four weeks.

4. The total award amount as per the impugned award of the Labour Court is Rs.10 lakhs out of which 50% being Rs.5 lakhs was deposited according to the learned counsel for the petitioner Management.

5. Though the said amount has been deposited, from 2018 the amount has not been disbursed so far and the writ petition is pending all along, at this juncture only in the year 2020, the present WMP i.e. W.M.P.No.4382 of 2020 has been filed.

6. Considering the facts and circumstances of the case, as there has been an award of Rs.10 lakhs as compensation in lieu of the reinstatement, passed by the Labour Court through the impugned award, out of which 50% was directed to be deposited which was deposited, this



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Court feels that instead of allowing the petitioner in this miscellaneous petition i.e. the worker to withdraw the entire 50% i.e. Rs.5 lakhs, he may be permitted to withdraw some amount so that he can survive, accordingly this W.M.P.No.4382 of 2020 is disposed of with the following direction:

(i) That there shall be a direction to the 1st respondent herein i.e., the Presiding Officer, Labour Court, Coimbatore to release 50% of the award amount deposited i.e. only Rs.2.5 lakhs out of Rs.5 lakhs deposited in Demand Draft No.774272 dated 16.08.2018 on the Union Bank of India at Coimbatore Service Branch in the ID Account i.e. I.D.No.275 of 2002 in favour of the petitioner, for which, the petitioner shall file a memo along with the copy of this order.

(ii) The remaining principle amount i.e. Rs.2.5 lakhs with accrued interest shall be kept in the said account continuously till the disposal of the writ petition.

7. This order is passed without prejudice to the right and contention of the both parties in the main writ petition, accordingly this WMP is disposed of.

22.08.2022

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