



W.P.No.27689 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.27689 of 2005

and

WPMP.Nos.30103 of 2005 & 103 of 2015

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The Management
Suha Leather Exports
Plot No.164, SIDCO
SIPCOT Industrial Estate
Ranipet 632 403
represented by its Proprietor

... Petitioner

Vs.

1.The Presiding Officer
Labour Court
Vellore.

2.J.Mariaselvam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari call for the records of the first respondent in ID.No.194 of 2002 and quash its award dated 18.01.2005.

For Petitioner : Mr.Anand Gopalan

For Respondents : Labour Court – R1
Mr.G.Jeremiah for R2



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W.P.M.P.No.103 of 2015

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J.Mariaselvam

... Petitioner

Vs.

1.The Management
Suha Leather Exports
Plot No.164, SIDCO
SIPCOT Industrial Estate
Ranipet 632 403
Rep. by its Proprietor.

2.The Presiding Officer
Labour Court
Vellore.

...Respondents

Prayer: Miscellaneous Petition filed under Article 226 of the Constitution of India, to permit the petitioner herein to withdraw the amount lying in deposit to the credit of I.D.No.194 of 2002 on the file of the Labour Court, Vellore together with accrued interest.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.Anand Gopalan for R1
Labour Court – R2

ORDER

The Writ Petition has been filed to quash the order of the first respondent in ID.No.194 of 2002 dated 18.01.2005.



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2. Application in WPMP.No.103 of 2015 has been filed by the second respondent to withdraw the amount lying in the deposit of ID.No.194 of 2022.

3. It is the case of the writ petitioner that the second respondent was engaged as a part-time employee in the petitioner Factory sometime during May 2000 and he was assigned with works relating to accounts, liaising with 3rd parties for settlement of bills and deposit and withdrawal of money in the Bank. On 29.06.2021, the second respondent was sent to a Bank to encash bearer cheque. However, the second respondent withdrew Rs.21,000/- from the petitioner's account and did not turn up for work from the next day onwards. Thereafter, the second respondent alleging that he was dismissed from service, raised dispute in I.D.No.194 of 2022 and the Labour Court by an award dated 18.01.2005 was pleased to order reinstatement in service with backwages and all other attendant benefits. Challenging the same, the present Writ Petition has been filed.



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4. On the other hand, the second respondent has stated that he was appointed as an assorter in the petitioner Factory to sort raw material and finished goods. When he came to know that the Management was not remitting the employees provident fund to the authority concerned, he questioned the same. In order to wreck vengeance, the Management foisted a false charge against him alleging that he had stolen a signed blank cheque and withdrew a sum of Rs.21,000/- from the Bank account of the Company. A criminal case in C.C.No.222 of 2005 was registered against him and he was kept out of employment from 29.12.2021. Therefore, he raised an industrial dispute in I.D.No.194 of 2022 and the the Labour Court by an award, dated 18.01.2005 was pleased to order reinstatement in service with backwages and all other attendant benefits. Challenging the same, the present Writ Petition has been filed and this Court by order, dated 30.08.2005 in WPMP.NO.30103 of 2005 in WP.No.27689 of 2005 directed the petitioner to deposit the entire award amount as awarded by the Labour Court.

5. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would state that the letter, which has been sent to



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the petitioner has been returned stating that the petitioner Factory is not in existence. He further submitted that as per the interim order of this Court, the entire award has been deposited. Since the Factory is not in existence, he has no further instructions.

6. Considering the facts and circumstance of the case and the submissions made on either side, this Court is of the view that since the petitioner Factory is not in existence, to meet the ends of justice, the second respondent shall withdraw the entire award amount along with the accrued interest.

7. With the above direction, this Writ Petition is disposed of. Accordingly, WPMP.No.103 of 2015 is ordered. No costs. Consequently, WPMP.Nos.30103 of 2015 is closed.

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Index : Yes / No
Internet : Yes / No
dna



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dna

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J.NISHA BANU, J.,

At the instance of the learned counsel for the petitioner, today, this matter has been listed under the caption "for being mentioned".

2.The learned counsel for the petitioner would state that a typographical error has crept in the copy of the order dated 13.12.2022, passed by this Court. He would state that in paragraph Nos.2, 3 and 4, I.D.No.194 of 2002 has been wrongly mentioned as I.D.No.194 of 2022 and prayed for a correction to the same.

3.In view of the above submission made by the learned counsel for the petitioner, Registry is directed to correct the I.D.Number as I.D.No.194 of 2002 in paragraph Nos.2, 3 and 4 and issue fresh order copy.

4.All other contents of the order dated 13.12.2022, remains unchanged.



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J.NISHA BANU, J.,

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