



WEB COPY

C.M.P.No.20396 of 2023
W.A. No.1662 of 2016



C.M.P.No.20396 of 2023
in
W.A. No.1662 of 2016

S.VAIDYANATHAN,J.
and
MOHAMMED SHAFFIQ,J.

W.A. No.1662 of 2016 and W.P. Nos.17833 of 2008, 35639 of 2016 and 2057 of 2012 were decided by this Court *vide* order dated 20.12.2022, wherein, at paragraph nos.10 and 11, the deposited amount has been stated as Rs.1,26,000/-. Seeking to modify the said amount as Rs.1,27,500/-, this petition has been filed by the workman.

2.This Court while hearing the W.P.Nos.17833 of 2008, 35639 of 2016 and 2057 of 2012, based on the submission of the learned Additional Advocate General that a sum of Rs.1,26,000/- have already been deposited, had permitted the Employee/E.Sampath to withdraw the deposited amount. Now the Employee has come up with this Miscellaneous Petition wherein in paragraph 6, it has been stated as follows:

"I further states that as per the order of this Court I filed payment out petition before the Labour Court at Chennai to withdraw a sum of Rs.1.26,000/- together with accrued interest lying in the deposit of the Labour Court in C.P.No.382/2003.

The above petition was returned by the Labour Court endorsed that "*the amount lying in the court deposit and the amount stated in the petition is different hence returned.*" After verifying with section I was informed that a sum of Rs.1,27,500/- was deposited with the labour court instead of Rs.1,26,000/-.

I further submit that after verifying the court records we came to know that originally the respondent has deposited a sum



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of Rs.2,55,000/- in which I withdrew 50% of the deposited amount of Rs.1,27,500/- as per the order of the Learned single judge. Hence the remaining amount of a sum of Rs.1,27,500/- is lying in the credit of C.P.No.382 of 2003 of the Labour Court, Chennai."

3.Ms.Ashwini Devi, learned counsel appearing for the 2nd Respondent has not refuted the averments made in the affidavit filed in support of the Miscellaneous Petition and has stated that the 2nd Respondent has no objection to withdraw the amount of Rs.1,27,500/-.

4. In view of the above submission and being satisfied with the reasons assigned in the affidavit filed in support of this petition, this petition is ordered and the amount mentioned in paragraphs 10 and 11 of the common judgment dated 20.12.2022 is modified as Rs.1,27,500/- and the Employee is permitted to withdraw the said amount as ordered by this Court in the judgment dated 20.12.2022.

(S.V.N.,J.) (M.S.Q.,J.)
21.09.2023

arr

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