(2016) 08 MAD CK 0033

In the Madras High Court

Case No : W.A. Nos. 172 to 176 of 2016

M/s MRF Ltd. APPELLANT

Vs

The Presiding Officer Industrial Tribunal RESPONDENT

Date of Decision : 08-08-2016

Acts Referred:
Industrial Disputes Act, 1947 — Section 10(1), Section 33(2)(b)

Citation : (2017) 1 CLR 180 : (2017) 153 FLR 296

Hon'ble Judges : Mr. Huluvadi G. Ramesh and Mr. M.V. Muralidaran, JJ.

Bench : Division Bench

Advocate : Mr. Sanjay Mohan for M/s S. Ramasubramaniam and Associates, for the Appellant; R1-Tribunal, for the Respondents; Mr. V. Prakash Senior Counsel assisted by Mr. K. Sudalaikannu, Advocate, for the Respondent No. 2 in all appeals

Final Decision : Disposed Off

Judgement

Mr. Huluvadi G. Ramesh, J. - These appeals by the Management of M/s MRF Limited are against the interim order of the learned single Judge, directing them to pay a sum of Rs.7,500/- per month to each of the second respondent-workman from January, 2016 onwards, without prejudice to the rights of the Management and the Workmen, till the writ petitions are finally decided.

2. Heard the learned counsel for the appellant/Management and also the learned senior counsel representing all the second respondent/Workmen.

3. It appears that aggrieved by the order passed by the first respondent/ Industrial Tribunal dismissing the approval petitions filed under Section 33(2)(b) of the Industrial Disputes Act, the Management has filed the writ petitions and obtained an order of stay of the order passed by the first respondent-Tribunal subject to the deposit of 25% back wages in each case. Subsequently, when the miscellaneous petitions were taken up, after recording the statement made by the learned counsel for the Management, a sum of Rs.15,00,000/- each was directed to be deposited before the Tribunal without prejudice to their

contentions in the writ petitions in respect of two workmen and that the two workmen were also permitted to withdraw a sum of Rs.7,50,000/- with a further direction to the first respondent-Tribunal to invest the balance amount in a nationalised bank in fixed deposit. In the interregnum, the other miscellaneous petitions for stay in respect of three workmen were also heard separately and the order of stay granted already was made absolute on condition of payment of Rs.7,50,000/- each by the Management to the other three workmen, pending the writ petitions. Thereafter, at the instance of the workmen, the impugned order came to be passed by the learned single Judge, which is under challenge in these appeals.

4. Be that as it may, when the writ petitions are now pending, the appellant/ Management can very well get the matters agitated before the learned single Judge. In our view, the writ appeals do not survive for consideration only to entertain the interim order passed, as that would have satisfied either the requirement of the Workmen towards 17-B wages or otherwise also as an interim measure shown to the Workmen accordingly, to be clarified. However, to settle the issue once and for all, we feel that the writ petitions have to be finally decided by the learned single Judge. Accordingly, we request the learned single Judge to dispose of the main writ petitions after hearing both the parties in accordance with law, within a period of three months from the date of receipt of a copy of this order. All the contentions are left open to be urged by both the parties before the learned single Judge in the pending writ petitions. Since the Workmen have already been paid with a sum of Rs.7,50,000/- each and the remaining amount is also lying in deposit, though in respect of two workmen, as a sufficient security, the issue may not be precipitated by the parties. With these observations, the writ appeals are disposed of accordingly. Consequently, C.M.P. Nos.2436 to 2440 of 2016 are closed. No costs.