

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.14657 of 2002

1. Project Officer,
Integrated Child Development Scheme-I,
Kumarapalayam,
Coimbatore - 26.
2. Director of Social Welfare and
Nutrition Meals Programme,
Chepauk, Chennai - 600 005. ... Petitioners

Versus

1. The Presiding Officer,
Labour Court, Coimbatore.
2. K.Thavamani ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order of the first respondent dated 29.12.2000 made in Claim Petition 64 of 1998 and quash the same.

For Petitioners : Mr.R.Rajeswaran,
Special Government Pleader

For Respondents : No Appearance

ORDER

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. Heard Mr.R.Rajeswaran, Special Government Pleader for the petitioners. Though notice has been served on the second respondent and his name is printed in cause-list, she has not chosen to enter appearance.

3. The petitioners in this Writ Petition are Project Officer, Integrated Child Development Scheme-I, Kumarapalayam, Coimbatore and the Director of Social Welfare and Nutrition Meals Programme, Chepauk, Chennai. Challenge in the present

proceedings is to an order passed under Section 33 (C) (2) of the Industrial Dispute Act in Computation Petition in C.P.No.64 of 1998 on the file of Labour Court, Coimbatore. The second respondent earlier raised an industrial dispute in I.D.No.218 of 1985, questioning his non-employment and for reinstatement with continuity of service and backwages. The Labour Court passed an award dated 12.03.1986, holding that the non-employment of the second respondent was not justified and he was directed to be reinstated with full backwages, continuity of service and other benefits. On 10.06.1986, the second respondent is said to have approached the first petitioner, to permit her to join duty, but inspite of her readiness to join duty, she was denied employment. Thereafter the second respondent sought for implementation of the award by way of representations/letters dated 25.06.1986, 2.1.1987, 8.4.1987, 2.9.1987, 10.12.1987, 15.03.1988, 20.07.1988, 16.11.1988, 20.02.1989, 24.07.1989, 22.11.1989, 02.01.1990, 24.01.1990, 10.05.1990, 12.11.1990, 06.03.1991, 07.08.1991, 23.01.1992, 04.06.1992, 06.10.1992, 19.02.1993, 28.06.1993, 06.10.1993 and 10.01.1994. Since none of her letters were considered nor reply was received, she was once again constrained to send subsequent requests on 14.02.1995, 09.4.1996, 31.12.1995 and 14.3.1996. Inspite of such requests, the award of Labour Court was not implemented. Therefore, the petitioner filed a computation petition to compute the wages payable to her.

4. The first petitioner herein filed her counter statement in CP.No.64 of 1998, a copy of which has been filed in typed set of papers. From the counter, it is seen that the first petitioner herein/first respondent would contend that the award was an ex-parte award and has not raised any other defense. So far as the first petitioner is concerned, the only contention raised in the counter is that the second respondent belatedly approached the petitioners. The Labour Court considered all the aspects and rejected the contentions raised by the respondents therein, which was virtually a challenge made to the award in I.D.No.218 of 1985, which had become final. Further, the Labour Court took into consideration the plea made by the second respondent herein who had been repeatedly making requests, by way or representation to implement the award and finally proceeded to file a petition for computation. The reasons assigned by the Labour Court are cogent and proper and this Court will not convert itself into a second Appellate Authority over the orders of the Labour Court, while exercising jurisdiction under Article 226 of the Constitution of India. In the absence of perversity or illegality in the order, the Writ Petition filed by the Writ Petitioners is devoid of merits.

5. Accordingly, this Writ Petition is dismissed.

ds

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To:

The Presiding Officer
Labour Court, Coimbatore.

sk(co)
prk9/12

WP.No.14657 of 2002



WEB COPY