

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14806 OF 2014

T.Rajendran

... Petitioner

-Vs-

1. The Collector,
Thiruvallur District,
Thiruvallur.
 2. The Block Development Officer,
Thiruvallur District,
Thiruvallur.
 3. The President,
Pullarambakkam Ooratchi Mandram,
Pullarambakkam Post,
Thiruvallur District.
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, to direct the respondents 2 and 3 to give effect to implement the first respondent's orders, dated 02.04.2013, 04.10.2013 and 02.01.2014, regarding implementation of the award passed in I.D.No.841 of 1999, dated 16.05.2007.

For petitioner : Mr.K.M.Ramesh

For respondent 1 : Mr.R.Rajeswaran,
Special Government Pleader

For respondents 2 & 3 : Mr.T.Jaishanker

O R D E R

The petitioner, having obtained an award from I Additional Labour Court, Chennai, in I.D.No.841 of 1999, dated 16.05.2007, whereby the third respondent was directed to reinstate the petitioner with all attendant benefits but without backwages, is still being driven from pillar to post and unable to make the third respondent implement the said

award.

2. Learned counsel for the petitioner submitted that the third respondent has not filed any writ petition, challenging the award of the Labour Court, and the same remains intact.

3. The petitioner, being a very low level worker, who was working as a Motor Pump Operator, had submitted a representation to the District Collector, Thiruvallur, through his counsel, and, based on the said representation, the District Collector, directed the third respondent to implement the award. In fact, there are three such communications sent by the District Collector to the third respondent, dated 02.04.2013, 04.10.2013 and 02.01.2014. However, it appears that the third respondent has refused to implement any of those communications. If the inaction on the part of the third respondent is deliberate, then, it is a fit case, where the first respondent should initiate action against the third respondent under Section 205 of the Tamil Nadu Panchayats Act.

4. Though it is submitted by the respondents that the petitioner can execute the award by filing a petition before the Labour Court, this Court is of the view that such procedure need not be adopted in this case, because, it is the Panchayat which has suffered the award and the Panchayat is under the control of the District Collector and it is bound to obey the orders of the District Collector, especially, when they have not challenged the award in the manner known to law.

5. In the light of the above, there will be a direction to the first respondent to ensure that the award passed in I.D.No.841 of 1999, dated 16.05.2007, is implemented by the third respondent in letter and spirit, within a period of eight weeks from the date of receipt of a copy of this order, failing which, action may be initiated against the third respondent.

6. Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dixit

To

1. The Collector,
Thiruvallur District,
Thiruvallur.
2. The Block Development Officer,
Thiruvallur District,
Thiruvallur.
3. The President,
Pullarambakkam Ooratchi Mandram,
Pullarambakkam Post,
Thiruvallur District.

+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.16279

+1cc to the Government Pleader, S.R.No.16355

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VGI (CO)
CA(28/03/2016)



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