

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.16515 of 2012

M.Kumaresan

..Petitioner

vs.

1.Khadi and Village Industries Board
Rep. By its the Chief Executive Officer
Kuralagam, Chennai-108

2.The Assistant Director
Khadi and Village Industries Board
Kancheepuram

3.The Presiding Officer
First Additional Labour Court
Chennai-600 104

4. The Secretary,
Khadi, Khadar and Village Industries Department
Kuralagam, Chennai-108

(R4 implead at the motu as per
order of the court made in
WP 16515/2012, dated 02.09.2016)

..Respondents

Writ Petition filed praying to issue a Writ of
Certiorarified Mandamus calling for the records from the 1st
respondent-Labour Court dated 27.02.2012 in I.D.No.622 of 2010,
quash the same and consequently allow the I.D.No.622 of 2010
with a direction to the respondent management to implement the
same within a time frame.

For Petitioner : Ms.T.Aananthi

For Respondents: Mr.S.K.Bose for R1
Mr.V.Jayaprakash Narayanan, Spl.G.P.
For R2 and R4

O R D E R

Since the Secretary, Khadi, Khadar and Village Industries Department is not a party in this Writ Petition, for proper adjudication of the matter, the said Officer is suo motu impleaded as 4th respondent and Mr. Jayaprakash Narayanan takes notice for the 4th respondent.

2. The petitioner joined the service of Khadi, Khadar and Village Industries Board on 05.05.1990 on daily wages. Since the petitioner continuously worked for more than 17 years without break, he filed Writ Petition No.24107 of 2002 seeking regularisation of service and obtained an order dated 05.07.2002, with a direction to the 1st respondent, to consider his case for regularisation on merits.

3. Pursuant to the order passed by this court, the petitioner issued notice to the 1st respondent seeking regularisation of his services and it was rejected and an order of termination from service was made. Therefore, the petitioner filed Writ Petition before this court, and this court, by order dated 04.12.2007 directed the petitioner to approach the authority under the Industrial Disputes Act. Thereafter, the petitioner filed Claim Petition in I.D.No.622 of 2010 before the Labour Court. The Labour Court dismissed the said I.D. on 27.02.2012. Challenging the award passed by the 3rd respondent-Labour Court in I.D.No.622 of 2010, the present writ petition has been filed.

4. Meanwhile, the petitioner approached the Assistant Director of the respondent Department requesting to regularise his service, however, the said request was rejected and therefore, he filed appeal before the Government and the same is pending.

5. When the matter is called today, Ms. Aanandhi, learned counsel appearing for the petitioner seeks permission of this court to withdraw the Writ Petition and to prosecute the appeal already filed before the Government and also seeks further direction to the Government not to be influenced by the dismissal of the I.D.

6. The learned counsel appearing for the 1st and 2nd respondents would submit that they have got no objection for issuing such a direction.

7. In view of the above, the petitioner is permitted to withdraw the Writ Petition with further permission to the petitioner to prosecute the appeal dated 03.02.2016 pending

before the Secretary to Government, Khadi, Khadar and Handloom Department, who is required to dispose of the matter on merits without being influenced by the proceedings taken by the petitioner before the Labour court, which culminated in the Award dated 27.02.2012 passed in I.D.No.622 of 2010.

8. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

nvsri

To

- 1.The Chief Executive Officer
Khadi and Village Industries Board
Kuralagam, Chennai-108
- 2.The Assistant Director
Khadi and Village Industries Board
Kancheepuram
- 3.The Presiding Officer
First Additional Labour Court
Chennai-600 104
4. The Secretary,
Khadi, Khadar and Village Industries Department
Kuralagam, Chennai-108

2 ccs to Mrs.T.Aananthi, Advocate, sr.50765 & 49611

1 cc to Mr.S.K.Bose, Advocate, sr.50247

scd co
kra 29.09.2016

W.P.No.16515 of 2012