

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.31238 of 2016
and WMP No.27109 of 2016

The Commissioner,
Walajabad Panchayat Union,
Walajabad,
Kancheepuram District.

... Petitioner

Vs.

1.M.Gajendran,
2.The Presiding Officer,
1st Addl. Labour Court,
Chennai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for a Writ of Certiorari, calling for the records of the order passed in E.P.No.16 of 2016 in C.P.No.611 of 2014 dated 17.08.2016 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.Naveen Murthy
for Mr.J.Pradeep

O R D E R

The petitioner/Walajabad Panchayat Union has come before this court challenging the order passed on 17.08.2016 initiated by the first respondent.

2. The facts of the case are as follows:

The first respondent was engaged as 'Cholera Mazdoor' by the petitioner on 02.05.1986 and thereafter he was said to have been ousted on 10.05.1996. The first respondent approached the Labour Court, Chennai in I.D.No.432 of 1997 which was allowed by the Labour Court directing the respondent to re-instate the petitioner with continuity of service and full backwages and all other attendant benefits.

3. The said award was challenged before this court by the petitioner in W.P.No.11090 of 2003 and the writ petition was

dismissed on 09.01.2013. A review petition was filed before this Court and the same was dismissed on 12.02.2015 on the ground of delay. Against the said order, a Writ Appeal was filed alongwith condone delay petition in WA.SR.No.66029 of 2016 and the said SR is said to have been pending before this court.

4. The first respondent filed a Claim Petition based on the award before the First Additional Labour Court in C.P.No.611 of 2014 which passed an order on 08.09.2015 computing the money value of Rs.16,31,663/-. Even thereafter, the amount was not paid, compelling the first respondent to file E.P.No.16/2016. After Notice, execution petition was allowed to attach the petitioner's property. The said order is being challenged before this court by way of this writ petition.

5. Heard Mr.Naveen Murthy, learned counsel for the petitioner, who very strongly argued that the first respondent is not entitled for any benefit and as such, not entitled for any regularization.

6. De hors the claims of the petitioner, it is seen that right from the beginning, the proceedings were not properly contested since 1997. Eventhough the first respondent is continuously getting favourable orders since 1997, so far the fruits of the orders have not been enjoyed by the first respondent, but it is only the management. Therefore, the Labour Court rightly passed the order. As long as the original order passed in I.D.No.432 of 1997 is concerned, the benefit under the award had been passed on only to the respondent workman. Therefore, there is no merits and the writ petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is also closed.

8. The petitioner is directed to pay the entire amount directly to the first respondent or deposit before the second respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. On such deposit, the Labour Court is directed to pay the first respondent/workman, immediately thereafter.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
1st Addl. Labour Court,
Chennai.

1 cc to J.Pradeep, Advocate, sr.51368

W.P. No.31238 of 2016

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