



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20533 of 2016

Brammanayagam

... Petitioner

vs.

1) The State of Tamil Nadu,
Represented by its Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai.

2) The State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Represented by its Branch Manager,
Tirunelveli-627003.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to take the complaint lodged by the petitioner against the 2nd respondent on file and to issue necessary authorization to the petitioner to file the said complaint before the competent Criminal Court to prosecute the 2nd respondent for not implementing the award passed in the petitioner's favour in I.D.No.43/1995 on the file of the Labour Court, Tirunelveli dated 28.02.2001.

For Petitioner : Mr.A.Rahul

For R1 : Mr.M.Murugan, Government Advocate

For R2 : Mr.K.Sathiya Singh

ORDER

This Writ of Mandamus has been filed seeking to direct the 1st respondent to take the complaint lodged by the petitioner against the 2nd respondent on file and to issue necessary authorization to the petitioner to file the said complaint before the competent Criminal Court in order to prosecute the 2nd respondent for not implementing the award passed in favour of the petitioner in I.D.No.43/1995 on the file of the Labour Court, Tirunelveli dated 28.02.2001.

2.It is stated that the award of the Labour Court was confirmed by this Court in W.P.No.7572 of 2002, dated 13.03.2010 and as against the said order, a writ appeal has been preferred before this Court in S.R.No.35588 of 2012.



3.The learned counsel for the petitioner would submit that the petitioner wanted prosecution only as a step towards compelling the respondents to get his reinstatement and not to get the respondents punished.

4.The learned standing counsel for the 2nd respondent would submit that steps are being taken to get the writ appeal numbered and if this writ petition is ordered, the respondent corporation would be put into hardship.

5.The writ appeal preferred during 2012 is yet to be numbered till 2016. Therefore, it is doubtful as to whether it will be taken on file at all. In order to protect the interest of both sides, this Court is of the view that instead of granting permission to the petitioner to prosecute, the 2nd respondent may be directed to reinstate the petitioner subject to the result of the writ appeal to be entertained in future.

6.Under such circumstances, the 2nd respondent is directed to reinstate the petitioner in terms of the orders passed by the Labour Court and all other remaining claims shall be considered subject to the outcome of the writ appeal.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1)The Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort St.George, Chennai.

2)The Branch Manager,
State Express Transport Corporation,
(Tamil Nadu) Ltd.,
Tirunelveli-627003.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 65114
+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 65010

NBI

TE/SKS-RR : 15/11/2016 : 2P/5C
<https://hcservices.ecourts.gov.in/hcservices/>

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