

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

C.M.P.No.9756 of 2017 in
W.A.SR 21246 of 2017

1. E.Ravi
2. S.Soundarajan
3. T.Sundar
4. G.Shankar
5. V.Manjunathan

Petitioners/Appellants

Versus

1. The Chairman,
Lakshmi Vilas Bank Ltd.,
Karur, Karur District.
2. The Presiding Officer,
Industrial Tribunal, Chennai.

Respondents/Respondents

Prayer: Petition filed under Section 5 of Limitation Act to condone the delay of 1189 of days in filing the writ appeal.

and

Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 29.8.2013 passed in W.P.No.36529 of 2003 on the file of this court.

Prayer in W.P. 36529 of 2003:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the common award passed by the Industrial Tribunal in the award passed in I.D. Nos 74,78 and 86/86 and I.,D. Nos 1,9 and 14/87 dated 24.04.2002 and quash the same and also direct the Management to reinstate all the petitioners with backwages continuity of Service and other attendant benefits and to award cost of this petition.

For petitioners/appellants : Mr.R.Jaikumar for
M/s.T.Fenn Walter Associates

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioners/appellants for some time.

2. The petitioners/appellants seeks for condonation of delay of 1189 days in filing the writ appeal. On perusing the affidavit filed in support of the petition and the order passed by the learned Single Judge, we are of the view that the writ appeal is hopelessly barred by limitation. It appears that the learned Single Judge has awarded reasonable compensation in lieu of reinstatement, considering the length of service put by them, their age and economic status and escalation of the wages and other attending circumstances. However, not satisfied with the same, the petitioners/appellants are before this court.

3. The case of the petitioners/appellants is that they worked from 1979 to 1985 and therefore, instead of ordering reinstatement the order passed directing to pay a compensation of Rs.2,00,000/- is not proper and hence, they are before this court.

4. We are of the view that the inordinate delay of more than three years would not inspire confidence of this court to condone the delay and also on examination of the facts, we find that a right decision has been taken by the learned Single Judge in awarding compensation in lieu of reinstatement, considering the circumstances of the case. Therefore, we are not inclined to condone the delay and entertain the writ appeal which is filed with an inordinate delay of 1189 days.

5. At this juncture, the learned counsel appearing for the petitioners/appellants would submit that the Management had also filed a writ appeal challenging the order passed by the learned Single Judge and the same is still pending and the petitioners/appellants are unable to withdraw the compensation amount.

6. Considering the above, we are of the view that if the Management is still pursuing the litigation, it can look into the matter or the appropriate forum with which the matter is pending can look into the matter and permit the petitioners/appellants herein to withdraw the compensation amount of Rs.2,00,000/- with accrued interest.

7. The petition seeking to condone the delay is disposed of accordingly. Consequently, the writ appeal at SR stage is rejected.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ssk.

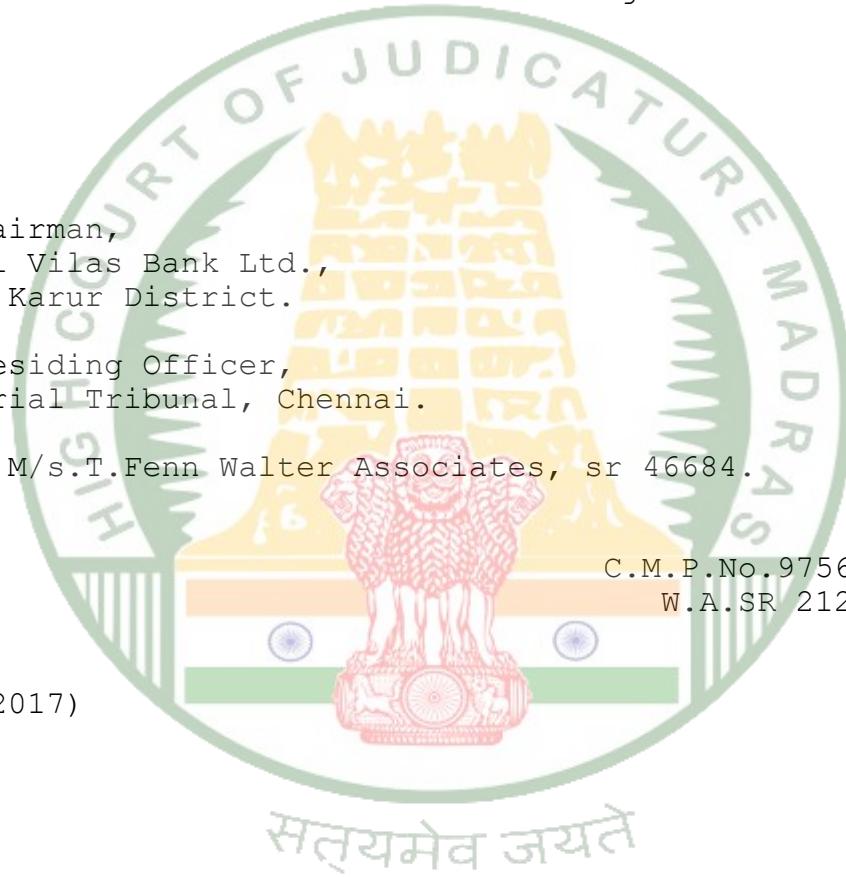
To:

1. The Chairman,
Lakshmi Vilas Bank Ltd.,
Karur, Karur District.
2. The Presiding Officer,
Industrial Tribunal, Chennai.

+1 CC to M/s.T.Fenn Walter Associates, sr 46684.

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