

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. No. 16505 of 2003

M.S. Jain
M/s. Kiran Roadlines,
81, New Avadi Road,
Kilpauk, Chennai 600 010. ..Petitioner
Vs.

1. The Presiding Officer,
First Additional Labour Court,
Chennai.
2. M. Thiyagarajan
3. The Thasildar,
Egmore - Nungambakkam Circle,
Chennai - 600 031. ...Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Certiorari to call for the
records of the first respondent in C.P. NO. 25/2001 dated
03.01.2003 and quash the same.

For Petitioner :: Mr.M. Ramalingam

For Respondents :: Mr. Balan Haridas for R2
Mr.V.Jayaprakash Narayanan, Spl.G.P.
For R3

ORDER

This writ petition is filed challenging the order dated
03.01.2003 passed by the 1st respondent.

2. For the sake of convenience, the parties will be
referred to by their name.

3. One M. Thiyagarajan was working as a Maintenance
Mechanic in M/s. Kiran Roadlines. He was allegedly
terminated from service on 20.09.1991. He raised an industrial
dispute and on the failure of the conciliation proceedings, the
matter was referred to the First Additional Labour Court in I.D.
No. 1177 of 1991. The First Additional Labour Court passed an
award dated 20.10.2000 in I.D. No. 1177 of 1991 directing M/s.

Kiran Roadlines to reinstate M.Thiyagarajan in service with full backwages, continuity of service and other attendant benefits. Aggrieved by the award, M/s Kiran Roadlines filed W.P. No. 8845 of 2001. In the meantime, M. Thiyagarajan filed Claim Petition No. 25 of 2001 under Section 33(C)(2) of Industrial Disputes Act, 1947 before the First Additional Labour Court, claiming backwages and other monetary entitlements. The First Additional Labour Court allowed C.P. No. 25 of 2001 on 03.01.2003, aggrieved by which, M/s. Kiran Roadlines has filed the present writ petition, namely, W.P. No. 16505 of 2003.

3. During the pendency of the litigations, it is seen that W.P. No. 8845 of 2001, that was filed by M/s. Kiran Roadlines, challenging the award in I.D. No. 1177 of 1991, was allowed by a learned Single Judge of this Court on 28.11.2003 and the matter was remanded back to the Labour court. Since the very award in I.D. No. 1177 of 1991, which is the basis for C.P. No. 25 of 2001 has been set aside, a fortiori, the order dated 03.01.2003 in C.P. No. 25 of 2001 would have no legs to stand. However, if any amount has been paid by M/s. Kiran Roadlines to M. Thiyagarajan, the same need not be refunded.

4. It is also brought to my notice that M. Thiyagarajan died on 20.04.2006.

5. In view of the above, this writ petition is allowed and the order in C.P. No. 25 of 2001 dated 03.01.2003 passed by the First Additional Labour Court is hereby set aside. No costs. Connected W.M.P. and W.V.M.P. are closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

nv
To
1 The Presiding Officer
First Additional Labour Court,
Chennai 31

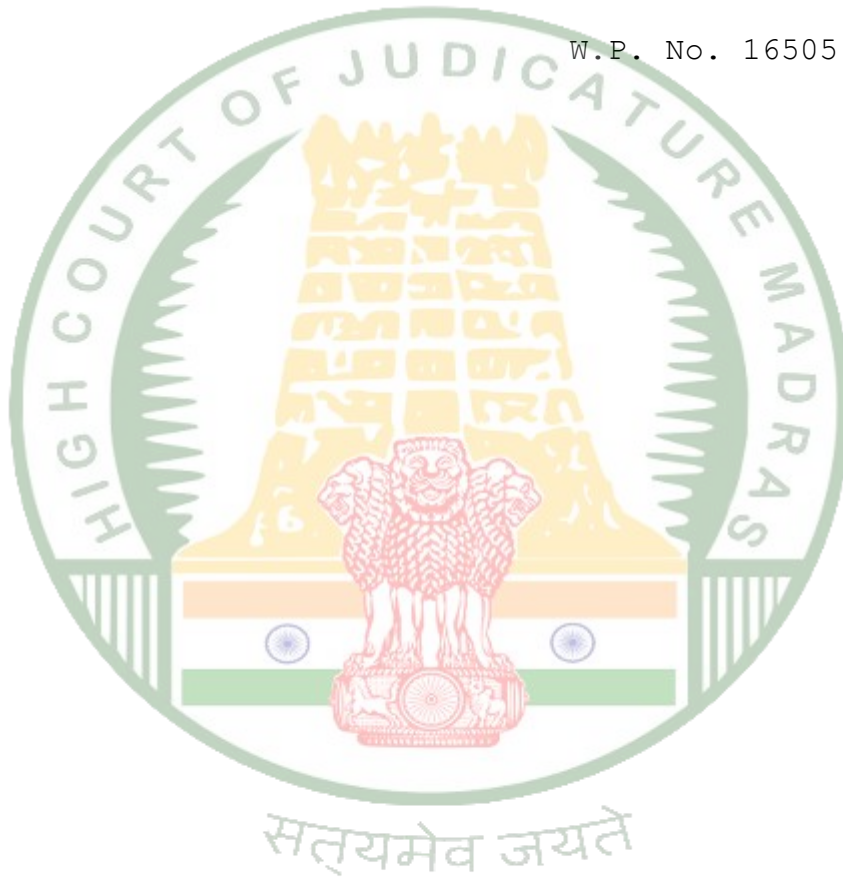
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2 The Thasildar,
Egmore - Nungambakkam Circle,
Chennai - 600 031.

+lcc to the Government Pleader, S.R.No.5402

kgk (CO)
md(15/02/2017)

W.P. No. 16505 of 2003



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