

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.01.2017**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.**17741 of 2003**

R.Gopal

.. Petitioner

Vs.

1. The Presiding Officer
Labour Court,
Salem

2. The Management of
Salem District Central Cooperative Bank,
Cherry Road
Salem 636 001

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 24.4.2003 passed in C.P.No.26 of 2000 by the 1st respondent herein and quashing the same; and consequently directing the 2nd respondent to pay the petitioner full backwages and all other attendant benefits as claimed in C.P.No.26 of 2000.

For Petitioner .. Mr.K.Elango

For Respondents .. Mr.M.K.Raghavan for R2

R1 - Labour Court

ORDER

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

2. Mr.R.Gopal filed TNSE Appeal No.1 of 1980 under section 41(2) of the Tamil Nadu Shops and Establishment Act, 1947 before the Deputy Commissioner of Labour, Salem Region against Salem Central Cooperative Bank claiming certain reliefs. The appellate authority by order dated 4.8.1999 in TNSE Appeal No.1 of 1980 had granted certain reliefs to Gopal. Based on the reliefs so granted, Gopal filed Claim Petition No.26 of 2000 before the Labour Court, Salem under section 33(C)(2) of the Industrial Disputes Act, 1947 against Salem District Central Cooperative Bank. The Labour Court had passed an order in C.P.No.26 of 2000 on 24.4.2003, aggrieved by which Gopal has preferred the present writ petition.

3. During the pendency of this writ petition, the management of Salem District Central Cooperative Bank challenged the order dated 4.8.1999 passed in TNSE Appeal No.1 of 1980 by the appellate authority, by filing Writ Petition No.17126 of 2001 before this Court.

4. It is represented by both sides that Writ Petition No.17126 of 2001 was allowed by this Court on 17.8.2010 and the order dated 4.8.1999 passed in TNSE Appeal No.1 of 1980 by the appellate authority was set aside and the matter is said to have been remanded

back to the appellate authority. In view of this development, the order in C.P.No.26 of 2000 passed by the Labour Court, Salem, which was predicated on the order in TNSE Appeal No.1 of 1980, loses its relevance. Therefore, the order in C.P.No.26 of 2000 dated 24.4.2003 has to be necessarily set aside in order to bring both parties back to the original position.

5. Mr.Elango, learned counsel for the petitioner, submitted that after the order was passed on 17.8.2010 in W.P.No.17126 of 2001, Mr.R.Gopal has died.

6. In the result, this writ petition is allowed and the order in C.P.No.26 of 2000 dated 24.4.2003 passed by the Labour Court, Salem is hereby set aside and both parties are directed to work out their remedies in terms of the order passed by this Court in W.P.No.17126 of 2001 dated 17.8.2010. No costs.

23.01.2017

Index:Yes/No

ajr

To

1. The Presiding Officer
Labour Court, Salem

P.N.PRAKASH, J.

ajr

2. The Management of
Salem District Central Cooperative Bank,
Cherry Road
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