

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.39700 of 2004
and W.P.M.P.No.47328 of 2004

The President,
Sivan Voyal Village Panchayat,
Thiruvallur District.

... Petitioner

Vs.

1.Tmt. Nayagam, W/o Late Jayaraman,
C/o General Secretary,
Chengai Ooratchi Ondriya Visaipump
Iyakkunargal Sangam,
25, Kovur Vaithiyanathan Street,
Chintadripet, Chennai-600 002.

2.The Presiding Officer,
II Additional Labour Court,
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records on the file of the second respondent passed in C.P.No.781 of 1999 dated 14.03.2000 and quash the same.

For Petitioner : Mr.G.Sankaran

For Respondent : No appearance

O R D E R

Challenging the Award passed by the second respondent-Labour Court in C.P.No.781 of 1999 dated 14.03.2000, the petitioner-Panchayat has filed the above writ petition.

2. The brief facts of the case are as follows:

2.1. The first respondent was employed as Over Head Tank Operator in the petitioner village panchayat on part time basis. He was paid consolidated pay at the rate fixed by the Government. Thereafter, by G.O.192 Rural Development Department dated 10.06.1997 the pay of the part time Over Head Tank

Operators was increased from Rs.150/- to Rs.250/- per month. Subsequently, the said amount was revised from Rs.250/- to Rs.300/- by G.O.Ms.No.182 dated 26.07.1998 and it was further revised by G.O.148 dated 09.07.1999 from Rs.350/- to Rs.400/-.

2.2. Whiles, the claim of the first respondent was proved before the second respondent-Labour Court to compute the arrears of salary payable to him on the basis of the Minimum Wages fixed in G.O.No.449, Labour and employment Department, dated 06.06.1977, under Section 33-C(2) of the Industrial Disputes Act. Though the computation petition under Section 33-C(2) of the Industrial Disputes Act was filed in the year 1999, the petitioner-Panchayat did not appear before the Labour Court. Accordingly, an ex-parte order was passed. Challenging the said order, the present writ petition is filed.

3. In an identical situation, this Court has already entertained the writ petitions and passed a common order in W.P.Nos.25476 of 2004 etc batch dated 24.11.2004, wherein it has been held as follows:

"In view of the settled position of law coupled with the fact that the orders questioned in these writ petitions do not contain any reason, these writ petitions are allowed and the impugned orders are set aside. However, ex-parte orders came to be passed only at the instance of the petitioner for quite number of adjournments. Hence, the cost awarded by the Labour Court for a sum of Rs.500/- each is modified to one of Rs.1000/- each and the Labour Court is directed to take up the petitions on paying the abovesaid amount to the workers and on production of the receipts. The said payment shall be paid within a period of six weeks from today failing which the earlier order passed by the Labour Court shall stand."

4. In view of the above, the impugned Award passed in C.P.No.781 of 1999 dated 14.03.2000 by the second respondent-Labour Court is set aside and it is appropriate to impose a cost of Rs.5,000/- (Rupees five thousand only) payable by the petitioner and the same shall be deposited before the II Additional Labour Court, Chennai to the credit of C.P.No.781 of 1999 within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the Labour Court shall take up the petition and pass appropriate orders. If the cost is not paid within a period specified, the earlier order passed by the Labour Court dated 14.03.2000 shall stand revived.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

raa

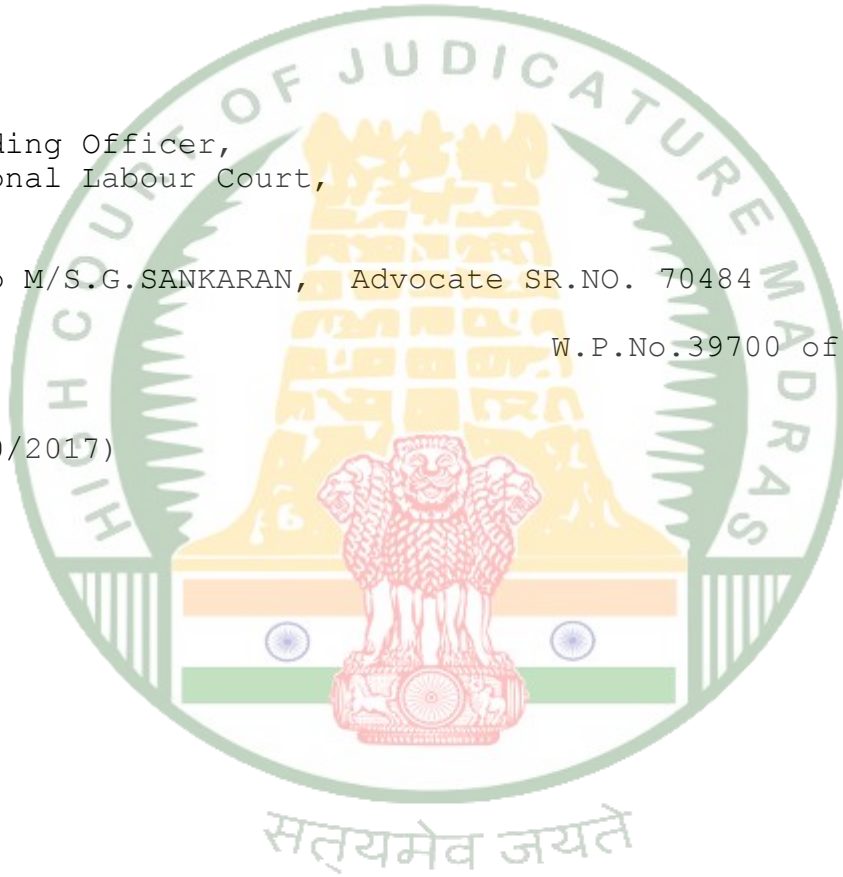
To

The Presiding Officer,
II Additional Labour Court,
Chennai.

+1 C.C. to M/S.G.SANKARAN, Advocate SR.NO. 70484

W.P.No.39700 of 2004

PA(CO)
T.R (28/10/2017)



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