



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 14.06.2017
CORAM
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A (MD) .No.717 of 2017
and
C.M.P. (MD) No.5481 of 2017

1.The District Collector,
Sivagangai District.

2.The Commissioner,
Devakottai Panchayat Union,
Devakottai, Sivagangai District.

...Appellants

Vs

1.C.Vairavan

2.The Presiding Officer,
Labour Court, Madurai.

...Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patents Act, against the order, against the order dated 11.02.2014 made in W.P. (MD) .No.13583 of 2013.

Prayer in WP (MD) . 13583/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ, order or direction or any other writ in the nature of a writ of certiorarified mandamus calling for the records relating to the impugn order of the 3rd respondent in Na.Ka.P5/31115/2011 dated 22.5.2013 and quash the same and consequently direct the first respondent to reinstate the petitioner in service as per the award dated 15.09.2010 made in ID.No.53 of 1999 on the file of Labour Court, Madurai with full wages with effect from 15.09.2010 within a reasonable time as may be fixed by this Honble Court.

For Appellant : Mr.V.Muruganandham
Additional Government Pleader
For Respondent : No appearance

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard the learned Additional Government Pleader for the appellants. Though the respondents have been served and their names have been printed in the cause list, none appeared for the respondents.



2.This Writ Appeal is directed against the order dated 11.02.2014 made in W.P.(MD).No.13583 of 2013. The writ Court took into consideration that the award passed by the Labour Court in ID.No.53 of 1995 has become final and District Collector, Sivagangai first appellant herein, has withdrawn his earlier order directing implementation of the award.

3.The learned Additional Government Pleader submitted that the respondent cannot seek implementation of award of the Labour Court before the Writ Court. In the case on hand, writ Court exercised of its discretion, because of the fact that the first appellant has withdrawn his earlier order, thereby allowing the matter to attain finality. The ground raised by the appellants in the writ appeal are all concerning about the merits of the award, which cannot be adjudicated in the present proceedings.

4. For all the above reasons, We are not inclined to interfere with the order passed in the writ petition. Accordingly, Writ Appeal fails and dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The Presiding Officer, Labour Court, Madurai.

2.The District Collector,
Sivagangai District.

3.The Commissioner,
Devakottai Panchayat Union,
Devakottai,Sivagangai District.

Dsk

MAS/MR-KKR/SAR2:06.07.2017:2P-4C

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