



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17965 of 2017

Sundararajan alias Sundaram

: Petitioner

Vs.

1. The Managing Director,
Arasu Rubber Corporation,
Vadassery, Nagercoil,
Kanyakumari District,
Pincode - 629 001.

2. The Presiding Officer,
Labour Court,
Court Building,
Tirunelveli - 627 002.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondent to pay the compensation award amount of Rs.42,206.40 as per ID No.64/1994, loss of promotional benefits Rs.3,000/- per mensem from the date of petition dated 30.01.2017. Hospital Expenditure of Rs.30,900/- with taxi fare, Medical Allowance Rs.6,523/- bike repairing charge of Rs.19,700/-. Total amount the management liable to pay is Rs.99,329/- with reasonable interest and with cost.

For Petitioner

: Mr.V.Sundararajan
Party in Person

For Respondent No.1

: Mr.R.Karthikeyan
Additional Government Pleader

R2

: Labour Court

O R D E R

By consent of both sides, the writ petition itself is taken for final disposal.

2.The present writ petition has been filed seeking a Writ of Mandamus, directing the respondent to pay the compensation award amount of Rs.42,206.40 as per ID No.64/1994, loss of promotional benefits Rs.3,000/- per mensem from the date of petition dated



3.The present writ petition is not maintainable since there has been a delay of eight long years. When the petitioner approached the Labour Court, against the order of dismissal passed in the year 1992, the Labour Court allowed his claim in I.D.No.64 of 1994 on 29.11.2004, granting two reliefs in his favour. Firstly, the management of Arasu Rubber Corporation Limited, Nagercoil, was directed to reinstate the petitioner into service. Secondly, the said management was directed to pay a sum of Rs.42,206/-, as salary payable to the petitioner during his non-employment period namely, from 1992 till 2004.

4.However, the management of Arasu Rubber Corporation Limited, Nagercoil, heavily aggrieved by the impugned award dated 29.11.2004, passed in I.D.No.64 of 1994, successfully came to this Court with a writ petition in W.P.(MD)No.6740 of 2006 and this Court after elaborately discussing the issues raised by both parties, set aside the award passed by the Labour Court in I.D.No.64 of 1994 dated 29.11.2004 and remanded the matter back to the Labour Court, Tirunelveli by its order dated 17.03.2011. A perusal of paragraph 33 and 34 of the order passed by this Court in W.P.(MD)No.6740 of 2006, clearly shows that the entire award passed by the Labour Court was set aside. However, an observation was made to the extent that if any amount paid to the petitioner herein by the Management as last drawn wages under Section 17 (b) of the Industrial Disputes Act, as per the order dated 21.02.2007, till the disposal of the present writ petition is neither refundable, recoverable nor adjustable one.

5.Since, the amount directed to be paid by the management of Arasu Rubber Corporation Limited was also set aside vide order dated 17.03.2011, it is highly improper on the part of the petitioner to maintain the writ petition seeking a direction to the respondents to pay the amount of Rs.42,206/- as per the ID No.64/1994, and the entire award passed in ID No.64/1994, dated 29.11.2004, is no longer in existence as the same was set aside. The petitioner should have challenged the order made in W.P.(MD) No.6740 of 2006. If the petitioner is entitled to get any medical allowance as per the communication dated 21.03.2017, passed by the Regional Manager, Keeriparai Division, the respondent may consider the same within a period of four weeks from the date of receipt of a copy of this order.

6.With the above observation, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1. The Managing Director,
Arasu Rubber Corporation,
Vadassery, Nagercoil,
Kanyakumari District,
Pincode - 629 001.

2. The Presiding Officer,
Labour Court,
Court Building,
Tirunelveli - 627 002.

+ 1 cc TO Mr.V.Sundararajan , Advocate in SR No. 80115
+1cc to The Special Government Pleader in SR.No.80953

MR/MRN

AE/KP/SAR2/24.10.2017/3P/5C

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