



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.2207 of 2017

A.Durairaj

... Petitioner

vs.

1)The District Forest Officer,
Ramanathapuram Division,
Ramanathapuram District.

2)The Conservator of Forests,
Virudhunagar Circle,
Collectorate,
Virudhunagar.

3)The Labour Court,
Madurai,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay (Rs.1,50,000/-) One Lakh Fifty Thousand Only towards lumpsum compensation and 50% backwages to the petitioner in accordance to the order passed by the 3rd respondent in ID.No.13/2011 dated 16.9.2015 within a time frame fixed by this Hon'ble Court.

For Petitioner : Mrs.Chamundi Bose
For R1 & R2 : Mr.A.K.Baskarapandian
Special Government Pleader

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the 1st respondent to pay (Rs.1,50,000/-) One Lakh Fifty Thousand Only towards lumpsum compensation and 50% backwages to the petitioner in accordance to the order passed by the 3rd respondent in ID.No.13/2011, dated 16.9.2015, within a time frame fixed by this Court.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice for respondents 1 and 2. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage.



3. Though the petitioner has come out with the said prayer, the learned counsel appearing for the petitioner would submit that pursuant to the Award of the 3rd respondent Labour Court dated 16.09.2015, the lumpsum compensation as well as 50% of backwages, has so far not been given by the respondents and therefore, in order to comply with the said order, the petitioner had given a representation to the respondents 1 and 2 on 09.10.2015 and if the said representation is considered and order is passed by the respondents, the petitioner would be satisfied.

4. Mr. A.K. Baskarapandian, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that though a copy of the representation has been annexed in the typed set of papers as if the same has been forwarded to the respondents 1 and 2 on 09.10.2015, there is no acknowledgement to that effect from the respondents. In view of the said fact, unless the petitioner gives a representation to the respondents the question of considering the same would not arise.

5. Considering the said submission made by both sides, this Court is of the view that a copy of the said representation dated 09.10.2015 given by the petitioner to the respondents 1 and 2 shall once again be given to the respondents by registered post with Acknowledgement Due, by the petitioner and on receipt of the same, it can be considered and suitable orders can be passed regarding the disbursement of compensation as well as backwages to the petitioner.

6. Therefore, this Writ Petition is ordered in the following terms:-

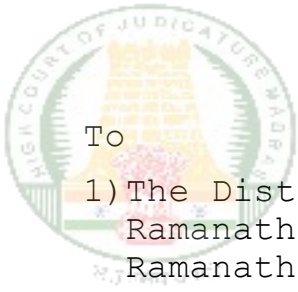
i) The petitioner shall give a copy of his representation dated 09.10.2015 to the respondents 1 and 2 by registered post with Acknowledgement Due within a period of one week from the date of receipt of a copy of this order.

ii) On receipt of copy of such representation from the petitioner, the respondents 1 and 2, shall decide the same and pass orders regarding disbursement/payment of compensation as well as backwages as directed by the Labour Court in the said I.D.No.13/2011 on the file of the 3rd respondent within a period of eight weeks thereafter. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/



To

1) The District Forest Officer,
Ramanathapuram Division,
Ramanathapuram District.

2) The Conservator of Forests,
Virudhunagar Circle,
Collectorate, Virudhunagar.

3) The Labour Court,
Madurai,
Madurai District.

+1 cc to M/s. Chamundi Bose, Advocate in SR.No.7192

+1 cc to The Special Government Pleader in SR.No. 7913

nbi

CSL/SV-MMS/20.02.2017 : 3P/6C

W.P. (MD) No. 2207 of 2017
09.02.2017