



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP (PD) (MD) No.194 of 2011
and
M.P (MD) No.1 of 2011

Assistant Director of Sericulture,
Theni.

... Petitioner

vs.

Subbulakshmi

... Respondent

Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.121/2005 in I.D.No.41/2001 dated 17.03.2010 on the file of Presiding Officer, Labour Court, Madurai.

For Petitioner : Mr.V.Muruganandam
Additional Government Pleader
For Respondent : No appearance

ORDER

The petitioner is the respondent in I.D.No.41/2001 on the file of the Labour Court, Madurai, and the respondent is the petitioner. I.D.No.41/2001 was filed to declare the non employment of the respondent herein by the petitioner as illegal and unjustified and to direct the petitioner to reinstate the respondent in service with full backwages.

2.The Labour Court by order dated 22.03.2002, allowed I.D.No.41/2001 ex parte, ordering reinstatement with backwages at the rate of Rs.50/- per day from 01.10.1999 till the date of reinstatement by calculating 26 days per month and also ordered cost of Rs.500/- to be paid to the respondent herein. Aggrieved against the said order of the Labour Court, the petitioner herein filed I.A.No.121/05 under rules 48(2) of the I.D Act and Section 151 CPC, to set aside the above said ex parte order dated 22.03.2002. The Labour Court by impugned order dated 17.03.2010 dismissed I.A.No.121/05, against which, the Assistant Director of Sericulture, Theni, has filed this revision petition.

3.Despite service of notice, the respondent has not chosen to appear either in person or through pleader.



4.Today, when the matter came up for hearing, learned counsel for the petitioner would submit that the respondent herein was working as a Casual Labour in Kalkurichi Silk Farm in Aruppukottai Taluk, Virudhunagar District. Since the said society was running in loss, the Government had acquired a farm land for formation of Samathuvapuram and hence, there was no possibility to give work for the casual labours. The learned counsel has further submitted that as per the ex parte order passed by the Labour Court, the respondent was reinstated in service and she also retired from service.

5.In my considered opinion, the ex parte order passed by the Labour Court in I.D.No.41/2001 dated 22.03.2002, and the impugned order made in I.A.No.121/05 dated 17.03.2010 are well considered orders and taking note of the fact that the respondent has retired from service, this Court is of the view that interference of this Court with the impugned order is not necessary.

Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Madurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90660

BALA
TE/KKR/SAR-3 : 11/01/2018 : 2P/3C

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