



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.4010 of 2011
and M.P.(MD) No.1 of 2011

Vellai

... Petitioner

Vs.

- 1.The Conservator of Forests,
Research,
Chennai - 48.
- 2.The Deputy Conservator of Forests,
Agro Forestry Research Division,
Madurai.
- 3.The Executive Officer,
Forest Research Division,
Kadavoor,
Chatrapatti Post,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd Respondent in Na.Ka.No.3730/2004-Pa. Dated 03.05.2010 and quash the same and consequently direct the 2nd Respondent to reinstate the Petitioner for the post of Plot Watcher.

For Petitioner :Mr.A.Rajaram

For Respondents :Mr.V.Muruganantham
Additional Government Pleader**ORDER**

The prayer in the writ petition is for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd Respondent in Na.Ka.No.3730/2004-Pa. Dated 03.05.2010 and quash the same and consequently direct the 2nd Respondent to reinstate the Petitioner in the post of Plot Watcher.

2.The case of the petitioner is that the petitioner had been working as plot watcher at the respondent organisation from 01.10.1989 and his service was dispensed with only from 30.10.1999 and till such time he was working as such for more than 10 years and in spite of his long service, though as temporary plot watcher, his services has been dispensed with. Therefore, he raised an Industrial Dispute in I.D.No.137 of 2001 before the Labour Court, Madurai. The



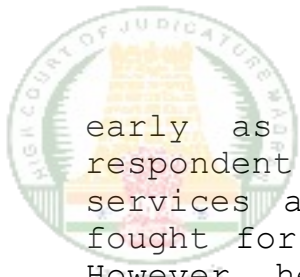
said Labour Court by ex-parte award dated 09.02.2004, has given the award in favour of the petitioner, by which a direction was given to reinstate the petitioner with continuity of service and back wages with costs.

3. Since the said award was not implemented, immediately, the petitioner has also filed C.P.No.63 of 2004 before the same Labour Court, where order was passed on 09.09.2004, by which the Labour Court directed the respondent therein to pay a sum of Rs.62,400/- by way of back wages. Since the said back wages was not paid, in spite of the direction to the respondents therein, the petitioner approached this Court by filing W.P.(MD) No.8868 of 2009, wherein this Court by order dated 19.11.2009, issued direction to the respondents, including the Tahsildar, Madurai North Taluk and the Executive Officer, Forest Research Division, Kadavoor, Chatrapatti Post, Madurai North Taluk, Madurai District for payment of said sum as back wages as has been directed by the District Collector, Madurai District, who was first respondent in that writ petition. Pursuant to the said order, back wages has been paid to the petitioner. However, the remaining award regarding reinstatement of service has not been complied with. Instead of filing further C.P. for implementation of that order, the petitioner has wrongly approached the second respondent to give back the job and in response to the said representation, the second respondent has passed the impugned order dated 03.05.2010, in Na.Ka.3730/2004-Pa. By the said order dated 03.05.2010, the second respondent has stated that the petitioner had given representation on 02.03.2010 to give back the same job, where the petitioner had worked for a longer period and as the said job is temporary in nature and he would be engaged in service only on need basis and whenever need arises the service of the petitioner would be utilised. By stating this, the request of the petitioner has been turned down by denying any job immediately. Challenging the said order dated 03.05.2010, the petitioner had filed this writ petition.

4. In the meanwhile the petitioner had also filed W.P.(MD) No.8060 of 2005, wherein the petitioner had sought for direction against the first and second respondent therein to implement the order of the Labour Court, Madurai passed in C.P.No.63 of 2004, dated 09.09.2004. That Writ Petition was dismissed on 12.09.2005, stating that for execution of the award of the Labour Court, the Writ Petition cannot be filed. Here also, instead of filing appropriate petition to implement the order/award passed by the Labour Court, whereby the petitioner got favourable order of reinstatement with continuity of service and back wages, he has wrongly made representation to the respondents, again seeking a job and the same has been unfortunately turned down on 03.05.2010.

5. Heard both sides.

6. The petitioner has already raised Industrial Dispute before the Labour Court concerned where he obtained favourable order as



early as on 09.02.2004, where a direction was given to the respondent therein to reinstate the petitioner with continuity of services and back wages. Only for back wages the petitioner had fought for and in fact he had succeeded in getting the back wages. However, he had not taken any fruitful steps for getting reinstated into service. In the circumstances, this Court feels that the petitioner can be given liberty to approach the concerned Labour Court, seeking appropriate relief to implement the award by the Labour Court dated 09.02.2004 made in I.D.No137 of 2011.

7. In the result, the following orders are passed in this Writ Petition:

(i) The petitioner is at liberty to approach the Labour Court to implement the orders made in I.D.No.137 of 2001 dated 09.02.2004, for getting reinstatement with continuity of service and also further back wages from the date of award.

(ii) The present impugned order which was because of the petition filed by the petitioner before the second respondent is nothing but superfluous and the merits of the same need not be gone into at this stage. Therefore, the challenge made against the impugned order in the present writ petition has become redundant and therefore the present prayer sought for in this writ petition is rejected.

(iii) However, the rejection of the prayer made herein would not preclude the petitioner from approaching the Labour Court as directed to establish his right.

8. With these directions and observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Conservator of Forests,
Research,
Chennai - 48.
2. The Deputy Conservator of Forests,
Agro Forestry Research Division,
Madurai.
3. The Executive Officer,
Forest Research Division,
Kadavoor,
Chatrapatti Post,
Madurai North Taluk,
Madurai District.

+1cc to M/s. A.RAJARAM Advocate in SR. No.6087

+1cc to Special Government Pleader in SR. 6294

<https://hcservices.courts.gov.in/hcservices> 15/02/2017/3p-6c

W.P. (MD) No.4010 of 2011
and M.P. (MD) No.1 of 2011