

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18781 OF 2000

ORDER

Heard Smt K.Udaya Sri, learned counsel appearing for the petitioner and Smt G.Sudha, learned counsel appearing for the 2nd respondent.

This writ petition is filed seeking to issue a Writ of Certiorari to call for the records relating to and connected with E.P.No.8 of 1999 on the file of the Industrial Tribunal-II-1st respondent, and to quash the order dated 18.08.2000 passed therein.

It is the case of the petitioner that he filed I.D.No.10 of 1993 challenging the removal order passed by the 2nd respondent-Management; that in the said ID, the 2nd respondent-Management filed M.P.No.2 of 1996 under Section 33 (2) (b) of the Industrial Disputes Act, for approval of the action for removal of the workman; that the said MP was dismissed by the Tribunal on 8.7.1998, upon which, the workman had filed E.P.No.8 of 1999 seeking grant of wages, whereas the 2nd respondent-Management had filed W.P.No.21424 of 1998 challenging the dismissal of M.P.No.2 of 1996. Further, it is the case of the petitioner that since the writ petition is pending against the dismissal order dated

8.7.1998 passed in M.P.No.2 of 1996 before this Court, the 1st respondent-Tribunal declined to entertain the EP filed by the petitioner and dismissed the same with an observation that the petitioner can file EP after disposal of W.P.No.21424 of 1998. Challenging the order in the said E.P., the present writ petition is filed.

Learned counsel appearing for the 2nd respondent has brought to the notice of this Court that on 4th July, 2005, W.P.No.21424 of 1998 was allowed and the matter was remanded to the Tribunal for passing orders afresh in M.P.No.2 of 1996 after affording an opportunity of hearing to the parties.

In view of the restoration of M.P.No.2 of 1996 on the file of the 1st respondent, the cause of action referred in E.P.No.8 of 1999 as well as in the present writ petition does not survive for adjudication. It is for the parties to pursue their remedies, before appropriate forums ventilating their grievances, if they are so advised.

Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th December, 2017
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