

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.1148 of 2018

1.M.Senthilkumar

2.S.Ganesan

3.K.Suresh

4.R.Dakshinamoorthy

5.Tmt.Sugantha

.. Petitioners

Vs

1.The Presiding Officer,
Labour Court,
Cuddalore.

2.Tanjore District Podhu Thozhilalar Sangam,
Rep. By Secretary N.Santhnam,
No.66, East Raja Street,
Thanjavur.

3.Tamil Nadu Electricity Board,
Rep. By its Executive Engineer,
Acquisition, Kumbakonam.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the entire records connected with the impugned Award of the first respondent passed in I.D.No.42 of 1996, dated 15.04.2004 and quash the portion of the award in so far as denying the order of absorption to the petitioners from initial date of appointment with backwages, with continuity of service and all other attendant benefits.

For petitioners: Mr.V.Prakash, SC

for Mr.S.N.Ravichandran

O R D E R

This writ petition has been filed against an oldest impugned award dated 15.04.2004 passed in I.D.No.42 of 1996, by the first respondent / the Presiding Officer, Labour Court, Cuddalore.

2. Mr.V.Prakash, learned Senior counsel appearing for the petitioners, assailing a portion of the impugned award, submitted that if the observations regarding the absorption from the date of their respective initial appointment reached by the Labour Court are not questioned successfully by the petitioners, this would have serious repercussions on their pensionary benefits. Therefore, they have been advised to challenge only that portion of the award. It is further submitted that when the correctness of the impugned award was already questioned by the Management in W.P.No.37257 of 2004, this Court, by order dated 04.09.2014, has confirmed the award passed by the Labour Court. As against that, Writ Appeal No.734 of 2017 has been filed and the same is also pending consideration. Therefore, if this matter is tagged along with the pending writ appeal, the petitioners would be able to prosecute their remedy before the Hon'ble Division Bench.

3. But, this Court hardly finds any justification on the above said submission of the learned Senior counsel for the petitioners. Firstly, the present impugned award passed 14 years ago had already been confirmed by the learned Single Judge of this Court in W.P.No.37257 of 2004, dated 04.09.2014, and as against this, writ appeal filed by the Management is also pending consideration before the Hon'ble Division Bench of this Court. In such view of the matter, it is not known how the petitioners can be permitted to canvass the correctness of the impugned award dated 15.04.2004, with a delay of 14 years, especially when the said award was already confirmed by the learned Single Judge of this Court as mentioned above. Therefore, the present writ petition filed by the petitioners, challenging the very same award, which was already confirmed by this Court on 04.09.2014, is hit by the principles of res-judicata.

4. Besides, it is well settled law that the delay defeats justice and equities. Equity favours a vigilant rather than an indolent litigant and this being the basic tenet of law, the question of entertaining the prayer of the petitioners, challenging the impugned award dated 15.04.2004 passed by Labour

Court, that too after a lapse of 14 long years from the date of of the award, does not arise in this matter.

5. Thus, for the reasons stated above, the writ petition fails and it is dismissed on the ground of laches. No Costs. WMP.No.1463 of 2018 is closed.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

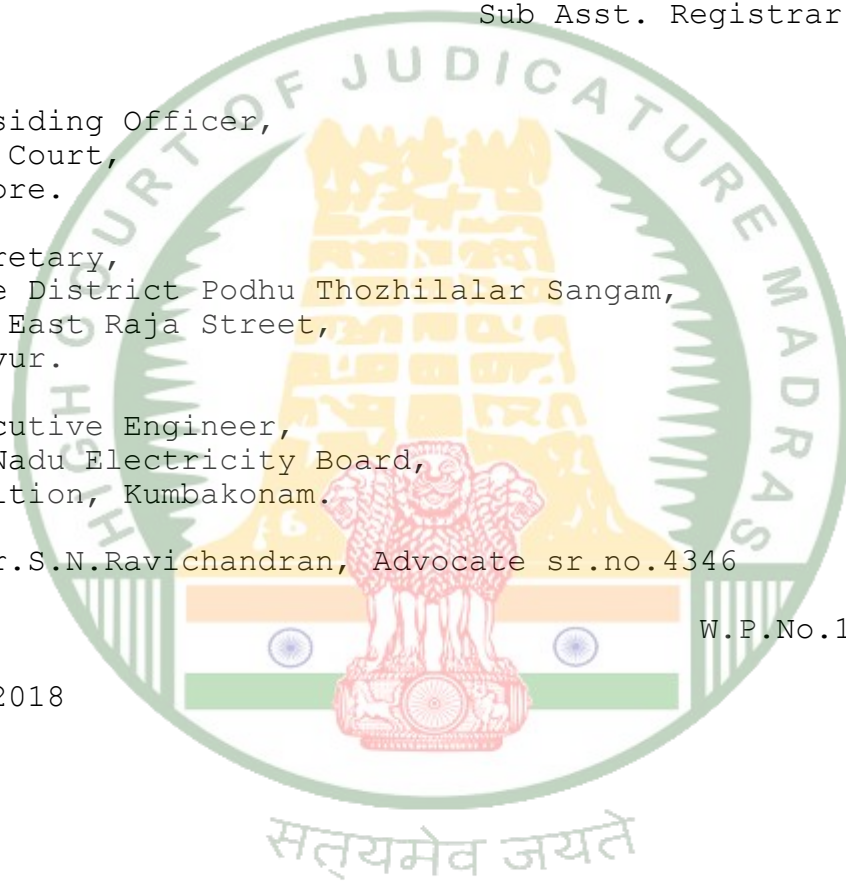
To

- 1.The Presiding Officer,
Labour Court,
Cuddalore.
- 2.The Secretary,
Tanjore District Podhu Thozhilalar Sangam,
No.66, East Raja Street,
Thanjavur.
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Acquisition, Kumbakonam.

+lcc to Mr.S.N.Ravichandran, Advocate sr.no.4346

W.P.No.1148 of 2018

nr 25/01/2018



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