

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.1798 of 2018

P.Nagooran

.. Petitioner

Vs

1.The Joint Registrar,
Co-operative Societies,
Thiruvavarur.

2.Thiruvavarur Consumer Cooperative
Wholesales Stores Ltd. (TN 860),
Rep. By its Special Officer,
39, Ellaiamman Sannadhi Street,
Thiruvavarur - 610 001.

3.The Presiding Officer,
Labour Court,
Cuddalore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records (i) on the file of the second respondent in connection with the order of dismissal dated 25.06.2004 (ii) on the file of the third respondent in connection with the preliminary award dated 13.12.2011 in I.D.No.4 of 2009 and final award dated 18.06.2012 in I.D.No.4 of 2009 and quash the same insofar as it is against the interest of the petitioner and consequently direct the respondents 1 and 2 to grant all the consequential monetary benefits of arrears of salary from 10.02.2002 till the date of superannuation i.e. 26.12.2012 and allow to retire peacefully by granting all terminal benefits along with entire arrears of terminal benefits including gratuity and pension and further grant interest on the gratuity as per the Rules.

For petitioner : Ms.T.V.Asgi

For R1 & R2 : Mr.L.P.Shanmughasundaram, Spl.GP

O R D E R

Challenging the impugned final award dated 18.06.2012 passed in I.D.No.4 of 2009 granting only 15% backwages during the period of his dismissal from services, the petitioner has filed this present writ petition with a delay of 5 ½ years.

2. It is submitted by the learned counsel for the petitioner that, as against the same award, the respondent Society has also filed a Writ Petition No.25550 of 2012 and the same is also pending now and therefore, she prayed for tagging this matter along with the pending writ petition.

3. But, this Court is not inclined to accede to the said request of the learned counsel for the petitioner. Admittedly, in the impugned award, the Tribunal directed the Society to reinstate the petitioner, besides directing to pay 15% backwages with continuity of service. However, the petitioner, having quiet for more than 5 ½ years, has filed the present writ petition, therefore, on the ground of laches, this Court is not inclined to entertain the writ petition.

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 petitioner, challenging the impugned award dated 18.06.2012 passed by the Labour Court, Cuddalore, that too, after a lapse of more than 5 ½ years, does not arise in this matter.

5. Thus, on the ground of laches, the writ petition is dismissed. No Costs. WMP.No.2223 of 2018 is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

rkm

To

The Presiding Officer,
Labour Court, Cuddalore.

+ 1 cc to Mr. T. Aananthi, Advocate Sr.10720

+ 1 cc to Mr. Government Pleader Sr.11025

W.P.No.1798 of 2018

LRS(CO)

EU(26/02/2018)