

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A No.1484 of 2016 and
C.M.P.No.18418 of 2016

- 1.The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
R.W.S.Division, Tirunelveli.
- 2.The Assistant Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
R.W.S.Division, Tenkasi.Appellants

Vs

- 1.T.Jothi
- 2.The Presiding Officer,
Labour Court, Tirunelveli.Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.46623 of 2002 dated 21.04.2014.

WP.No.46623 of 2002

Writ Petition filed under Article 226 of the Constitution of
India, for a writ of Certiorari to call for the records made
in
impugned award I.D.No. 209/95 dt. 28.11.2001 on the file of the
Labour Court Tirunelveli the 2nd respondent and to quash the
same.

For Appellants : Ms.S.Thamizharasi

For Respondents : Mr.M.Muthupandian for R1

J U D G M E N T

(Judgment of the Court was made by
K.K. SASIDHARAN,J.)

The first respondent initiated a dispute before the Labour
Court, Tirunelveli, challenging the non-employment. The Labour
Court passed an Award directing re-instatement without

backwages. The Management challenged the Award before the Writ Court in W.P.No.46623 of 2002. The learned single Judge dismissed the writ petition. Feeling aggrieved, the Management has come up with this intra court appeal.

2. The order dated 21 April 2014 does not contain any discussion on the merits of the matter. The learned single Judge without analysing the materials available on record dismissed the writ petition with a finding that the order does not require interference. It would not be possible for this Court to exercise the power of judicial review in the absence of the finding recorded by the Writ Court. We are therefore of the view that the matter requires fresh consideration by the Writ Court.

3. The order dated 21 April 2014 is set aside. The writ petition in W.P.No.46623 of 2002 is restored to file. It is open to the first respondent to file a counter affidavit taking into account the contention taken by the appellant in W.P.No.46623 of 2002. We request the learned single Judge to take up the matter and decide the issue as expeditiously as possible in view of the fact that the matter has been pending right from 1995.

4. The intra court appeal is disposed of as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Tirunelveli.

+1cc to Mr.S.Thamizharasi, Advocate, S.R.No.39225

W.A No.1484 of 2016

CP(CO)
GSP(02/07/2018)