

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.Nos.2192 & 2193 of 2004

C.Rajan ...Petitioner in W.P.No.2192/04
D.Durairaj ...Petitioner in W.P.No.2193/04

-Vs-

1. The Presiding Officer
Labour Court,
Coimbatore.

2.The Management
Sri Murugan Tea Estate,
Karangumudi Post,
Vaiparai 642 127.

...Respondents in both the W.Ps.

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records, connected with the impugned common award in I.D.Nos.746 & 747 of 1999 dated 10.04.2001 on the file of the 1st respondent and quash the same and directed the second respondent to reinstate the petitioner as a Pump operator-cum-Store incharge (W.P.No.2192/04) & Mechanical Assistant (W.P.No.2193/04) with continuity of service with backwages and all other attendant benefits.

For Petitioner : Mr.R.D.Ashok Kumar

For Respondent-2 : Mr.A.Venkatesh Kumar

For Respondent-1 : Court

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O R D E R

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the entire records, connected with the impugned common award in I.D.Nos.746 & 747 of 1999 dated 10.04.2001, on the file of the 1st respondent and quash the same and direct the second respondent to reinstate the petitioner, as a Pump operator-cum-Store incharge (W.P.No.2192/04) & Mechanical Assistant (W.P.No.2193/04) with

continuity of service with backwages and all other attendant benefits.

2. Heard the learned counsel for the petitioners and the learned counsel for the second respondent.

3. Learned counsel appearing for the second respondent would submit that, during the pendency of this writ petition both the petitioners were given re-employment pursuant to the impugned award and they worked for several years. In so far as the petitioner in W.P.No.2192 of 2004 is concerned, he worked till 01.08.2010 and the gratuity was credited in full and final settlement and all the claims were also settled on 04.05.2012. Like that, the petitioner in W.P.No.2193 of 2004 worked till 05.05.2011, and he received gratuity amount in full and final settlement on 17.05.2013 and both the petitioners, since have been reappointed and worked for several years and retired from services after getting the final settlement and retiral benefits including the gratuity and hence, nothing survives in this writ petition.

4. In this regard, the learned counsel appearing for the respondent Management has filed an affidavit of the Senior Executive-legal of the second respondent management dated 11.08.2018, which reads thus:

"I V.Sakthidharan, son of Velukutty aged about 50 years, having office at 10, Damu Nagar, Coimbatore do hereby solemnly affirm and sincerely state as follows:

1) I am working as senior executive legal in the respondent company and hence, I am well acquainted with the facts of the case.

2) I submit that both employees have worked in the respondent company pursuant to the award of the Labour Court. As far as C.Rajan is concerned, he worked till 01.09.2010 and settled his gratuity in full and final settlement of all his claim on 04.05.2012. As far as D.Dhorairaj is concerned, he worked till 05.05.2011 and received gratuity amount in full and final settlement of all his claim on 17/05/2013. Both the employees agreed to withdraw the writ petition orally on being given employment after the award was passed.

The respondent requests the Hon'ble Court to take the above facts into consideration and pass appropriate orders in the above writ petition and thereby render Justice.

5. The said position as has been stated by the learned counsel for the respondent management referred above has not been disputed by the learned counsel for the petitioners.

6. In this regard, in fact, the learned counsel for the Management has produced the photo copy of the document/voucher to show that the retiral benefits were paid to the petitioners, who have received the same.

7. Since the petitioners, had been re-appointed and worked for some years and thereafter, retired from service and all their retiral benefits have been paid and they received the same, nothing further survives for adjudication in these writ petitions.

8. Therefore, recording the said averments made in the affidavit filed by the management side and also by taking into account the submissions made by the learned counsel appearing for both sides, these writ petitions are disposed of, as no further issue is pending for adjudication in these writ petitions. Further, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer
Labour Court,
Coimbatore.

+ 1 cc to Mr. S.N.Ravi Chandran, Advocate Sr.56249

+ 1 cc to M/s. Gupta & Ravi, Advocate Sr.56224

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2193 of 2004

KJI (CO)
EU (18/09/2018)