



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

C.M.P.(MD).No.185 of 2018

in

W.A.(MD).No.SR21880 of 2017

The Management,
Tamil Nadu State Transport Corporation Limited,
Madurai Division,
represented by its General Manager,
Madurai.

... Petitioner

Vs.

1. V.Arumugasamy

2. The Presiding Officer,
Labour Court,
Madurai.

... Respondents

Prayer in C.M.P.(MD).No.185 of 2018: The Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 998 days in filing the writ appeal against the order passed in W.P.(MD).No.13418 of 2010, dated 21.02.2014.

Prayer in W.A.(MD).SR.No.21880 of 2017: The Writ Appeal is filed under Clause 15 of Letters Patent against the order of this Court in W.P.(MD).No.13418 of 2010, dated 21.02.2014.

Prayer in WP(MD). 13418/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI or any other appropriate writ, order or direction in the nature of writ, calling for the records pertaining to the impugned award dated 14.07.2009 passed by the 2nd respondent in I.D.No.267 of 2001 and quash the same.

For petitioner
For R1

: Mr.A.Jeyaram
: Mr.A.Rahul

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM,J.)

Heard Mr.A.Jeyaram, learned counsel for the petitioner and Mr.A.Rahul, learned counsel for the first respondent / writ petitioner.

2. This appeal is directed against the order passed in W.P (MD).No.13418 of 2010, filed by the appellant/petitioner Management, challenging the award of the Labour Court, Madurai, in I.D.No.267 of 2001, dated 14.07.2009. The said writ petition was dismissed holding that there is no error in the award passed by the Labour Court. Subsequently, the first respondent/writ petitioner filed W.P (MD).No.5917 of 2016 to settle his terminal benefits. The said writ petition was disposed of by order dated 06.04.2017, directing the settlement of the terminal benefits with interest at 6% per annum for the delayed payment within a period of eight weeks from the date of receipt of a copy of this order. As against the said order, the petitioner/ Management preferred writ appeal in W.A.(MD).No.1457 of 2017 and the Division Bench, by Judgment dated 06.12.2017, dismissed the appeal by a reasoned judgment. The said Judgment has attained finality. Thereafter, the petitioner Management has now preferred the appeal as against the order in W.P.(MD).No.13418 of 2010.

3. In the light of the fact that after the said writ petition was disposed of, another writ petition was filed by the respondent/employee, which was also disposed of and confirmed by the Hon'ble Division Bench by Judgment dated 06.12.2017, the question of entertaining the present appeal does not arise. Apart from that, there is an inordinate delay in filing this appeal and the reason assigned is not substantiated apart from being vague. Apart from that, there was also a delay in re-representation.

4. The above facts clearly disclosed that the petitioner Management was actively contesting the matter before the Court as they had filed the W.A(MD).No.1457 of 2017 against the order in W.P (MD).No.5917 of 2016. Therefore, the reason assigned in the affidavit filed in support of the condone delay petition is not acceptable. Thus, for the above reasons, the Civil Miscellaneous Petition is dismissed. Consequently, the Writ Appeal is rejected at the SR stage.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Presiding Officer, Labour Court, Madurai
+2ccs to Mr.A.Rahul, Advocate, SR.Nos.47925 and 2390

rmk/akv

RL/4C/2P/SV/MMS/SAR2/26/2/2018

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