



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.6782 of 2018

A.Sornam

... Petitioners

Vs.

1.The Authority of the Government
of Tamil Nadu,
Rep.by The Secretary,
Labour and Employment Department,
Fort St. George, Chennai - 600 009.

2.Commissioner, Panchayt Union,
Kannangudi, Devakottai Taluk,
Sivagangai District.

3.Tamil Nadu Water Supply and Drainage
(TWAD) Board,
Rep.by The Executive Engineer,
Weekly Market Road, Indian Bank Upstairs,
Sivagangai.

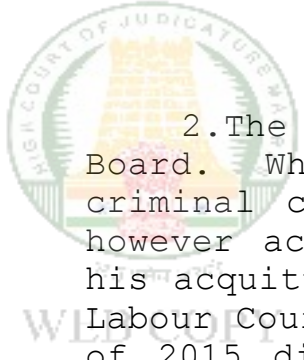
... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to act upon the complaint of the petitioner dated 29.09.2017 and to issue authorisation to the petitioner to take legal action against the second respondent under Section 29 of the Industrial Disputes Act, 1947 before the appropriate court for the breach committed by the second respondent by not implementing the award passed by the Labour Court, Madurai in ID No.44 of 2015 dated 09.01.2015.

For Petitioner : Mr.Y.Arulanandasamy
For Respondents : Mr.M.Jeyakumar,
Addl., Govt.Pleader

ORDER

Heard the learned counsel on either side. This writ petition is taken up for final disposal at the admission stage itself by consent of both parties.



2.The petitioner was appointed as a Valve Operator in TWAD Board. When he was working at Thuduppur, he was implicated in a criminal case and he was also placed under suspension. He was however acquitted. The petitioner sought reinstatement based on his acquittal. He therefore raised an industrial dispute. The Labour Court, Madurai passed an award dated 09.01.2015 in ID No.44 of 2015 directing the second respondent to give employment with continuity of service and also with backwages. Subsequently, the petitioner also filed a claim petition.

3.According to the petitioner, the claim of backwages were settled through a compromise. However, his contention is that the order regarding the reinstatement has not been complied with. He therefore wants prosecution proceedings to be initiated as per Section 29 of the Industrial Disputes Act, 1947.

4.In this regard, the petitioner lodged a complaint dated 29.09.2017. However, till date, the first respondent has not taken any action against the second respondent. As a result, the award passed in favour of the petitioner remains un-implemented. Therefore, the first respondent is directed to take appropriate action in accordance with law on the petitioner's complaint dated 29.09.2017. Such an action shall be initiated within a period of eight weeks from the date of receipt of a copy of this order by the first respondent.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

skm

To

1.The The Secretary, Government of Tamil Nadu,
Labour and Employment Department,
Fort St. George,
Chennai - 600 009.

2.Commissioner, Panchayt Union,
Kannangudi,
Devakottai Taluk,
Sivagangai District.



3.The Executive Engineer,
Tamil Nadu Water Supply and Drainage (TWAD) Board,
Weekly Market Road,
Indian Bank Upstairs,
Sivagangai.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 59459

JAM/29/05/2018/ SKN-RSK/SAR 2/ 3p-5c

WP (MD) No. 6782 of 2018
28.03.2018