



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 13161 of 2014

M.Anthony

.. Petitioner

Vs.

1.The Assistant Director,
Kadhi and Village Industries Board,
A.R.Line Road,
Tirunelveli.

2.The Regional Deputy Director,
Kadhi and Village Industries Board,
Bye Pass Road,
Palanganatham,
Madurai - 10.

3.The Principal Secretary,
Kadhi and Village Industries Board,
Kuralagam 4th Floor,
Chennai - 108.

4.The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent in C.P.No.22 of 2011, dated 09.02.2012 and quash the same and consequently to direct the first respondent to reinstate the petitioner into service with back wages and continuing of service with all attendant benefits as per award passed by the fourth respondent in I.D.No.48 of 2003 dated 09.04.2010.

For petitioner

: Mr. K.Prabhu

For R-1 to R-3

: Mr. G.Karnan
Standing Counsel



O R D E R

Heard the learned Counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the Respondent Nos.1 to 3.

2. The petitioner was employed in Kadhi and Village Industries Board as Watchman at Sankarankoil. The said unit was closed. Aggrieved by his non-employment, the petitioner raised an industrial dispute by filing I.D.No.48 of 2003. The said industrial dispute was allowed in favour of the petitioner on 09.04.2010. The labour Court directed the respondent/Board to reinstate the petitioner in service but denied the back wages. The Board initially did not pass any order in compliance with the award of the labour Court. Therefore, the petitioner herein filed C.P.No.22 of 2011 before the labour Court, Tirunelveli. Thereafter, by order dated 25.08.2011, the Board issued order of appointment, by appointing the petitioner at Soap Unit. The petitioner herein was not inclined to join duty in the new place. Taking note of the conduct of the petitioner, the labour Court dismissed the Claim Petition by order dated 09.02.2012. The same is assailed in this writ petition.

3. The learned Standing Counsel appearing for the Board would contend that the writ petitioner did not join in the new place, even though he was issued with the order of reinstatement. He, therefore, wanted this Court to sustain the order passed by the labour Court, Tirunelveli in dismissing the Claim Petition.

4. This Court is unable to agree with said submission of the learned Standing Counsel appearing for the Board in full. It is true that since the petitioner was not willing to join in the new place, even though he was issued with the order of reinstatement, the petitioner would not be entitled to any claim for the wages. But then it is seen that the Board passed an order of reinstatement only on 25.08.2011. Therefore, this Court is of the view that the Management will have to pay wages to the workman for the period from 10.04.2010 to 25.08.2011. The impugned order passed by the labour Court, Tirunelveli in C.P.No.22 of 2011 is modified and the respondents are directed to pay wages to the petitioner for the aforesaid period from 09.04.2010 to 28.08.2011.

5. This Writ petition is partly allowed accordingly. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar



To

1. The Assistant Director,
Kadhi and Village Industries Board,
A.R. Line Road,
Tirunelveli.

2. The Regional Deputy Director,
Kadhi and Village Industries Board,
Bye Pass Road,
Palanganatham,
Madurai - 10.

3. The Principal Secretary,
Kadhi and Village Industries Board,
Kuralagam 4th Floor,
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4. The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.

+One cc to Mr.K.Prabhu, Advocate, SR.No.49200

+One cc to Mr.G.Karnan, Advocate, SR.No.48911

kmi

RL/7C/3P/GT/SAR4/4/4/2018

ORDER MADE IN

W.P. (MD) No. 13161 of 2014

15.02.2018