



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.22777 of 2018

M.Alphonse

... Petitioner

Vs.

1.The Government of Tamilnadu
represented by its Secretary,
Labour and Welfare Department,
Secretariat, Chennai.

2.The Commissioner of Labour,
Tirunelveli,
Tirunelveli District.

3.The Managing Director,
Tamilnadu State Express Transport Corporation,
Pallavansalai,
Chennai-600 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to authorise the second respondent to proceed against the third respondent under Section 29 of the Industrial Disputes Act for breach of Award passed in I.D.No.66 of 2003 dated 26.06.2009 and C.P.No.155 of 2016 dated 12.04.2017 on the file of Labour Court, Tirunelveli by considering the representation dated 24.10.2018.

For Petitioner : Mr.S.Sivakumar

For R1 & R2 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

For R3 : Mr.Sathiya Singh
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was employed as a Driver in the third respondent corporation. He was terminated from service on 09.04.2003. He filed I.D.No.66 of 2003 before the Labour Court, Tirunelveli. An award was passed in his favour on 26.06.2009. His grievance is that till date the award has not been implemented. In the meanwhile, he has also retired from service. But the monetary



benefits payable to him in terms of the award are yet to be disbursed. Since, the management did not implement the award, he took out an application under Section 29 of the Industrial Dispute Act. The first respondent must authorise the second respondent to proceed against the third respondent in this regard.

3. Since, the facts are not in dispute, the first respondent is directed to pass appropriate orders in accordance with law on the petitioners application dated 24.10.2018 for prosecuting the third respondent for breach of the award made in I.D.No.66 of 2003 on the file of the Labour Court, Tirunelveli. Such an order shall be passed by the first respondent within a period of six weeks from the date of receipt of a copy of this order.

4. Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Government of Tamilnadu
represented by its Secretary,
Labour and Welfare Department,
Secretariat, Chennai.

2. The Commissioner of Labour,
Tirunelveli,
Tirunelveli District.

3. The Managing Director,
Tamilnadu State Express Transport Corporation,
Pallavansalai,
Chennai-600 002.

- 1 CC TO Mr.S.SIVAKUMAR, ADVOCATE IN SR No.95169.
- + 1 CC TO M/s.K.SATHIYA SINGH , STANDING COUNSEL FOR TNSTC
IN SR No. 95206.
- +1 cc to Special Government Pleader, SR.No.95422.

PNN

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