

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.3803 of 2004

The Commissioner,
Thiruvallangadu Panchayat Union,
Thiruvallangadu,
Thiruvallur District.

...Petitioner

Vs

1.The Presiding Officer,
Principal Labour Court,
Chennai - 104.

2.T.Narayanan

3.The President,
Jahirmangalam Panchayat,
Thiruthani Taluk,
Thiruvallur District,
Pin - 631 201.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records on the file of the first respondent pertaining to his order passed in I.A.No.109/2001 in C.P.No.684/1997, dated 29.01.2003 and quash the same.

For Petitioner : Mr.S.Rajendran

For Respondents : R1 - Court
Mr.K.M.Ramesh for R2
: Mrs.K.Bhuvaneswari, AGP
for R3

ORDER

The order under challenge in the present writ petition is to an interim order allowing the second respondent's application, seeking to implead the President of Thiruvallangadu Panchayat Union as a party respondent.

2. The implead petition came to be filed on 17.08.2001. The petitioner herein had filed a counter to the said application on 20.05.2002 bringing it to the notice of the Labour Court that, pending the implead petition, the second respondent herein had contested in the local body election and was elected as President of Jahirmangalam Panchayat, which is under the control of Thiruvallangadu Panchayat Union and who is the 3rd respondent herein. Though such a specific statement has been made in the counter statement filed to the implead petition, the Labour Court had allowed the application stating that the counter of the petitioner herein has no merits. Effectively, the second respondent had sought to implead himself in his capacity as a President on the date when the order came to be passed. This aspect has not been noticed by the Labour Court, which amounts to clear non-application of mind. The second respondent cannot be the petitioner in the computation petition as well as a respondent. As such, the order passed in I.A.No.109/2001, cannot be maintained.

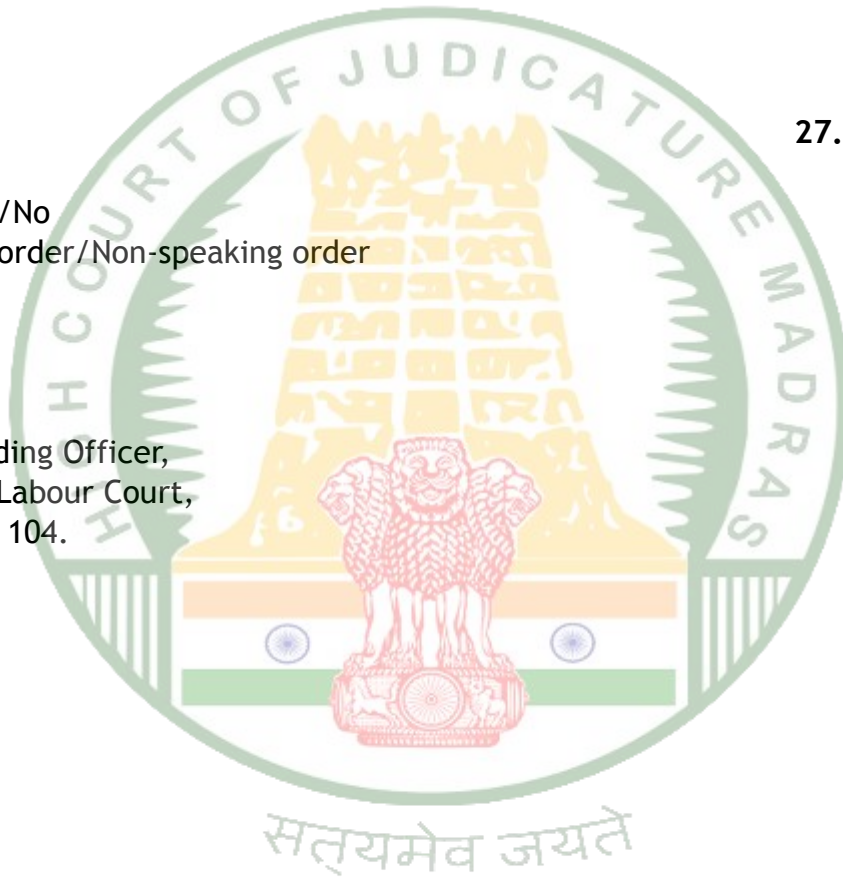
3. Hence, the writ petition stands allowed. No costs. Consequently, the order dated 29.01.2003, passed in I.A.No.109/2001 in C.P.No.684/1997, is set aside.

27.04.2019

Index:Yes/No
Speaking order/Non-speaking order
hvk

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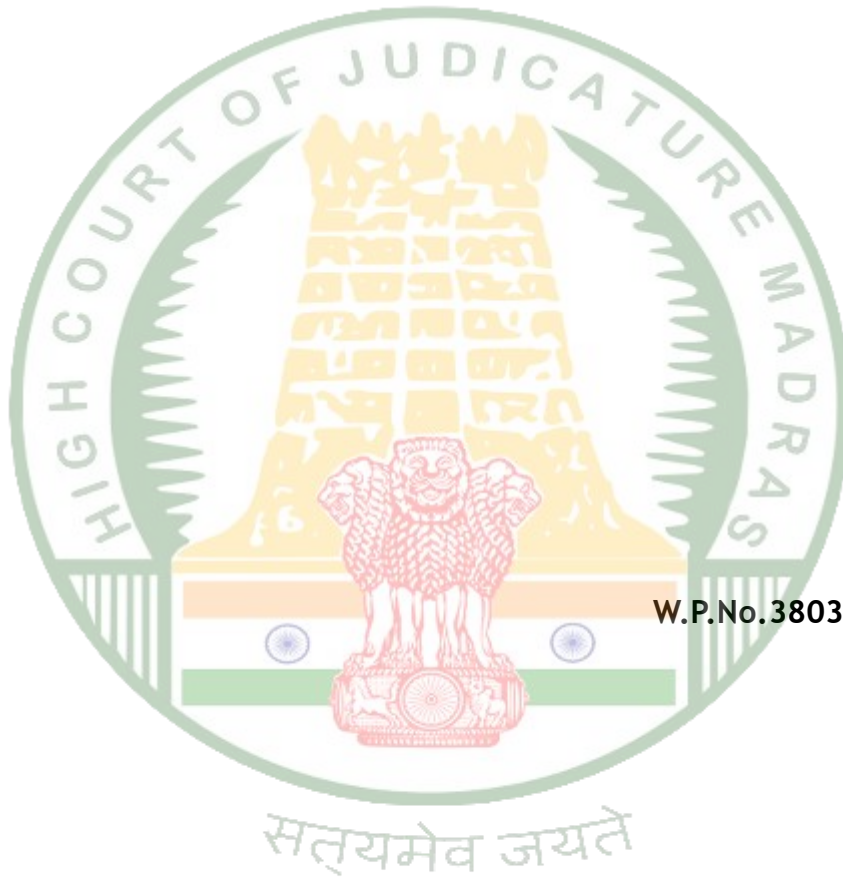
The Presiding Officer,
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M.S. RAMESH.,J

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