

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8674 of 2004

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

...Petitioner

Vs

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

2.T.Narayanan (Died)

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

4. S.Indirani

5. N.Subramani

6. N.Loganathan

7. S.Selvi

8. N.Arul

9. Srinivasan

10. N.Murugavalli

...Respondents

(R4 to R10 substituted as LR's of the
deceased R2 vide order dated 05.02.2019
in WMP.No.24799/18 in WP.No.8674/04)

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
C.P.No.684/1997, dated 23.02.2004 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
: No Appearance
for R4 to R10

O R D E R

The order under challenge in the present writ petition is one under Section 33-C(2) of the Industrial Disputes Act, 1947, computing the petitioner's claim at Rs.40,055.40/-.

2. In the claim petition, the President of Jahirmangalam Panchayat Union was impleaded as a party respondent, through an order in I.A.No.109 of 2001 dated 20.05.2002. The second respondent herein was elected a President of Jahirmangalam Panchayat, which is under the control of Thiruvallangadu Panchayat Union. Since the second respondent herein cannot be the petitioner in the claim petition as well as a party respondent, the implead petition came to be challenged before this Court in WP.No.3803 of 2004 and this Court had passed an order today, setting aside the order passed in the implead petition.

3. Since the claim petition was subsequently allowed by showing the President of Jahirmangalam Panchayat as second respondent, the order itself in the claim petition cannot be maintained. It is further seen that pending the writ petition, the petitioner herein had deposited the entire amount of Rs.40,055.40/- before the Labour Court and the second respondent has also withdrawn a sum of Rs.10,000/-. Pending the writ petition, the second respondent has also expired and his legal heirs has been brought on record. Since the order itself is ex-facie illegal, in view of the order of this Court in WP.No.3803 of 2004, it would be appropriate that the Labour Court decides the case once again, in the light of the observations made by this Court in WP.No.3803 of 2004 as well as in this order.

4. For all the foregoing reasons, the Award passed in claim petition in C.P.No.684/1997, dated 23.02.2004, is set aside. Consequently, the matter is remanded back to the Principal Labour Court, Chennai, for fresh disposal.

5. At this juncture, the learned counsel for the second respondent submits that they may be given liberty to implead the Inspector of Panchayat also as a party respondent. The second respondent is granted liberty to make out an appropriate application before the Principal Labour Court, Chennai for such impleadment, within 30 days from the date of receipt of copy of this order. The Principal Labour Court shall endeavour to dispose of the claim petition as expeditiously as possible.

6. Accordingly, the writ petition stands ordered. No costs.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To:

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

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

+1cc to Mr. S.Rajendran, Advocate SR.No. 41542
+1cc to Mr.K.M.Ramesh , Advocate SR.No. 41083

W.P.No.8674 of 2004

gj (CO)
A.SK(26/06/2019)