

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40678 of 2005

and

W.P.M.P.No.43635 of 2005

The Management of Sri Lakshmi
Transport represented by its
Proprietor M.Rajalingam
Avinashi Road,
Neelambur, Coimbatore - 641 014

..Petitioner

Vs.

1.Government of Tamil Nadu
represented by its Secretary,
Labour and Employment (D1)
Department, Fort St.George,
Chennai - 600 009

2.District Collector,
Coimbatore District at
Coimbatore.

3.P.Ramprakash

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents herein, their subordinates or any body acting through them from in any manner proceeding with the recovery of the amount from the petitioner herein pursuant to the G.O.(D).No.498, Labour and Employment(D1) Department, dated 08.04.2005 issued by the 1st respondent and pending disposal of the I.A.No.993 of 2005 in C.P.No.958/04 on the file of the Labour Court, Coimbatore filed by the petitioner.

For Petitioner : M/s.N.Damodharan

For Respondents : Mr.D.SuriyaNarayanan
Additional Government Pleader
For R1 & R2

Mr.M.Manikandan
For M/s.V.N.S.Law Firms for R3

ORDER

The relief sought for in the present writ petition is to forbear the respondents, their subordinates or any body acting through them from in any manner proceeding with the recovery of the amount from the petitioner pursuant to G.O.(D).No.498, Labour and Employment(D1) Department, dated 08.04.2005 issued by the 1st respondent and pending disposal of the I.A.No.993 of 2005 in C.P.No.958/04 on the file of the Labour Court, Coimbatore filed by the petitioner.

2. The short facts in the present writ petition is that the 3rd respondent raised an Industrial Dispute and an Award was passed in favour of the workman. Subsequently, the Claim Petition in C.P.No.958 of 2004 was also filed by the petitioner.

3. The learned counsel for the writ petitioner states that the Labour Court passed an exparte Award. To set aside the exparte Award, the Management filed an Interlocutory Application along with the petition to condone the delay in filing the petition to set aside the exparte Award, the learned counsel for the writ petitioner is unable to place the present status as 14 years lapsed from the date of filing of the present writ petition.

4. Under these circumstances, this Court is of an opinion that no meaningful purpose would be served in the event of keeping the writ petition pending. However, the fact remains that an exparte Award was passed and based on the award, the Government also issued an order in G.O.(D).No.498, Labour and Employment(D1) Department, dated 08.04.2005, issuing a Recovery Certificate. Thus, the Interlocutory Application, if it is allowed and the exparte award was set aside, then the Government has to wait till the final orders to be passed in the Award. If the Interlocutory Application was already disposed of and the Award stands confirmed by the Labour Court, then the Recovery Certificate holds good and the authorities competent are bound to execute the Government order of Recovery Certificate issued in G.O.(D).No.498, Labour and Employment(D1) Department, dated 08.04.2005.

5. Thus, the respondents 1 and 2 are directed to verify the status of the Interlocutory Application filed in I.A.No.993 of 2005 in C.P.No.958/04 on the file of the Labour Court, Coimbatore and accordingly, initiate all further actions with reference to the Government order issued in G.O.(D).No.498, Labour and Employment(D1) Department, dated 08.04.2005.

6. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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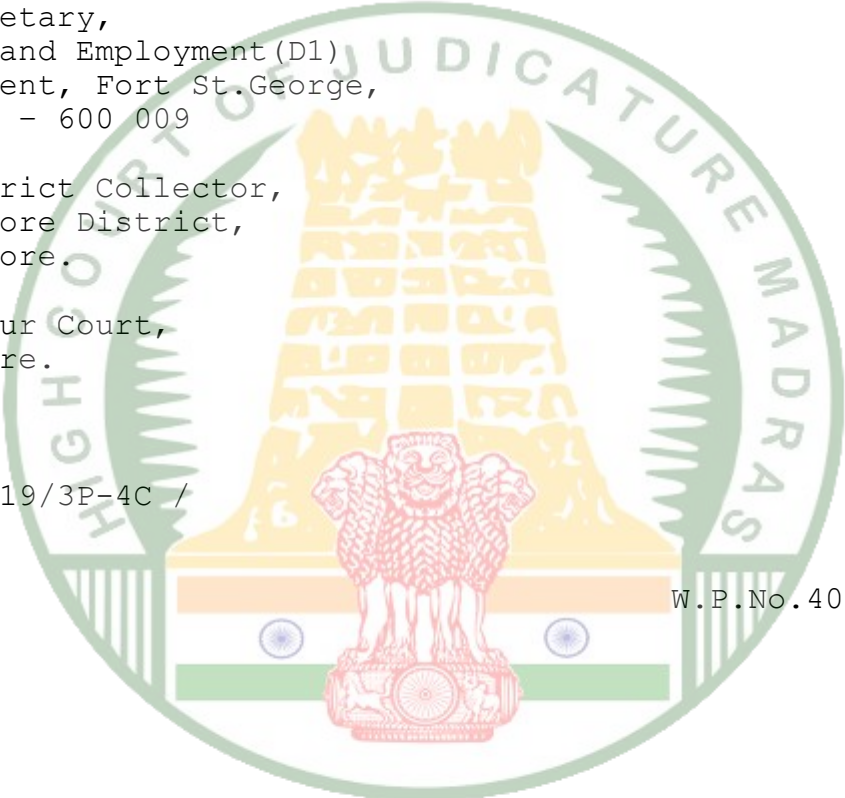
Sub Assistant Registrar

To

- 1.The Secretary,
Labour and Employment(D1)
Department, Fort St.George,
Chennai - 600 009
- 2.The District Collector,
Coimbatore District,
Coimbatore.
- 3.The Labour Court,
Coimbatore.

AKM/02.12.19/3P-4C /

W.P.No.40678 of 2005



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