

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2019

CORAM

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

W.P.No.40682 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.N.Thirumurthy

..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.238, Labour and Employment(D1) Department, dated
23.02.2005 issued by the 1st respondent and pending disposal of
the I.A.No.994 of 2005 in C.P.No.959/04 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 the G.O.(D).No.238, Labour and Employment(D1) Department, dated 23.02.2005 issued by the 1st respondent and pending disposal of the I.A.No.994 of 2005 in C.P.No.959/04 on the file of the Labour Court, Coimbatore filed by the petitioner.

2. The fact remains that the 3rd respondent workman raised an Industrial Dispute and an Award was passed. Based on the Award, a Claim petition was filed in C.P.No.959/2004 by the petitioner.

3. The learned counsel for the writ petitioner states that the Award was an exparte Award. Thus, the Management filed an Interlocutory Application to set aside the exparte Award in I.A.No.994 of 2005 and another Interlocutory Application is also filed to condone the delay in filing the Petition to set aside the Exparte Award. However, the learned counsel for the writ petitioner states that the said Interlocutory Application in I.A.No.994 of 2005 was dismissed by the Labour Court as early as on 29.01.2008.

4. In view of the fact that the Interlocutory Application filed, to condone the delay in filing the petition to set aside the exparte order as well as the petition to set aside the exparte Award were dismissed, the Award is to be implemented and therefore, the relief sought for in the present writ petition to forbear the respondents from implementing the Award by recovering the dues as per the Recovery Certificate issued by the Government cannot be granted. The Government also issued an order in G.O.(D).No.238, Labour and Employment(D1) Department, dated 23.02.2005. Accordingly, the respondents 1 and 2 are bound to implement the Government order of Recovery Certificate.

5. This being the factum, the writ petition deserves no merit consideration and accordingly, stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

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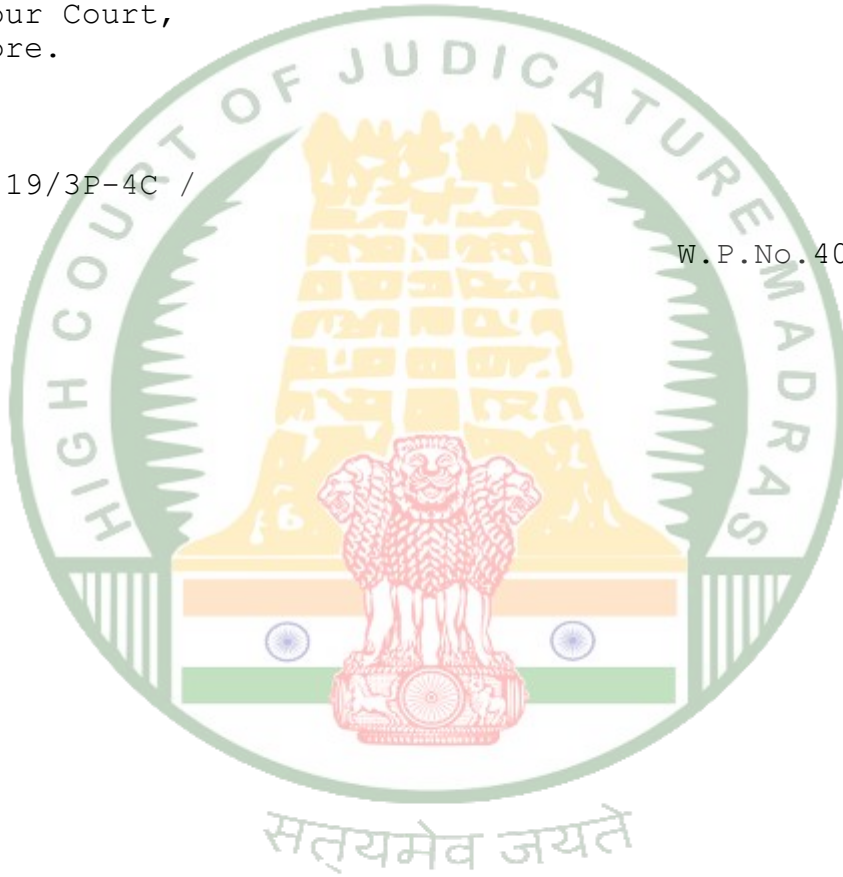
Sub Assistant Registrar

To

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

AKM/02.12.19/3P-4C /

W.P.No.40682 of 2005



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