

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.22780 of 2013

1.The Child Development Project Co-Ordinator,
The Child Development Project Office,
Tiruvannamalai, Tiruvannamalai District.

2.The Project Co-Ordinator,
World Bank Assisted I.C.D.S.III,
No.48, L.P.Road, Adyar,
Chennai-600 020.

...Petitioners

Vs.

1.T.Renugambal
D/o.Shri.Thirunavukkarasu

2.The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 2nd respondent related to the impugned order dated 16.12.2009 passed in I.D.No.281 of 2003 and to "Quash" the same.

For Petitioners : Mr.M.Arumugam

For Respondents : Mr.S.T.Varadarajulu for R1

ORDER

This Writ Petition has been filed seeking for issuance of a writ of certiorari, calling for the records of the 2nd respondent dated 16.12.2009 passed in I.D.No.281 of 2003 and to quash the same.

2. When the matter is taken up for hearing, it is represented by both parties that the Award dated 16.12.2009 passed by the Presiding Officer, Principal Labour Court, Vellore District in I.D.No.281 of 2003 has been implemented and that the first respondent/employee has been reinstated into service without any backwages, however, with all other benefits.

3. It is represented by Mr.M.Arumugam, learned counsel appearing for the petitioner-Management that a sum of Rs.75,000/- has been deposited to the credit of I.D.No.281 of 2003 on the file of the Labour Court, Vellore, and the same is lying before the Labour Court.

4. In reply, Mr.S.T.Varadarajulu, learned counsel appearing for the first respondent/employee submitted that nothing survives for adjudication in this Writ Petition, as the Award dated 16.12.2009 passed by the Presiding Officer, Principal Labour Court, Vellore District in I.D.No.281 of 2003 has been implemented. The learned counsel also submitted that the first respondent/employee has no objection to refund the sum of Rs.75,000/-, which is lying to the credit of I.D.No.281 of 2003 on the file of the Labour Court, Vellore, together with accrued interest to the petitioner-Management, however, without prejudice to her rights to proceed further, as she got a favourable order in I.D.No.281 of 2003 under Section 2A(2) of the Industrial Disputes Act, 1947 and that the amount computed therein is from the date of Award till the date of reinstatement.

5. In view of the submissions made by both the parties, this Writ Petition is disposed of, granting liberty to the first respondent/employee to work out her remedy in terms of the Award dated 16.12.2009 passed by the Presiding Officer, Principal Labour Court, Vellore District in I.D.No.281 of 2003, and the sum of Rs.75,000/- which is lying to the credit of I.D.No.281 of 2003 on the file of the Labour Court, Vellore, together with accrued interest, shall be refunded to the petitioner-Management.

6. The disposal of this writ petition shall not be a bar for the respective parties from taking factual and legal objections, in case any Execution Petition is filed by the first respondent/employee, pursuant to the Award dated 16.12.2009 passed by the Presiding Officer, Principal Labour Court, Vellore District in I.D.No.281 of 2003. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer, Principal Labour Court,
Vellore, Vellore District.

+1 cc to M/s.M.Arumugam, Advocate Sr.No.73721

+1 cc to Mr.S.T.Varadarajulu, Advocate Sr.No.72928

AKM/27.09.19/2P-4C /

WP.No.22780 of 2013