

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11395 of 2019
and W.M.P.No.11690 of 2019

Anakkavor Panchayat Union,
Rep.by its Block Development Officer,
Anakkavoor, Cheyyar Taluk,
Tiruvannamalai District.

...Petitioner

vs.

1. K.Vedapuri

2. Secretary to Government

Rural Welfare Development & Panchayat Raj Dept
Fort St.George, Chennai.

... Respondents

R2-Suo motu impleaded vide order dated 03.09.2019

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the show cause notice dated 27.02.2019 in E.P.No.573/2018 in I.D.No.103/2011 passed by the Labour Court and quash the same.

For Petitioner : M/s.R.Ramesh

For Respondents : Mr.M.Elumalai
Government Advocate for R2.

O R D E R

The show cause notice dated 27.02.2019 in E.P.No.573 of 2018 in I.D.No.103 of 2011 passed by the Labour Court is sought to be quashed.

2. The writ petitioner is Anakkavor Panchayat Union represented by its Block Development Officer. The first respondent was appointed on 10.09.1990 on daily wages basis as Night Watchman for cement godown against payment under Jahawar Valai Vaippu Thittam (JYYT Scheme) and continued as daily wages employee. Subsequently, the first respondent was dismissed from

service. He raised a dispute in I.D.No.103 of 2011 before the Principal Labour Judge, Vellore under Section 2A (2) of the Industrial Dispute Act 1947. The Labour Court, Vellore passed an award on 13.02.2012 for reinstatement with continuity of service and all other attendant benefits and 50% of the backwages were also awarded. Against the said award, the writ petitioner filed a writ petition in W.P.No.22193 of 2012 and the writ petition was dismissed on 16.08.2012. A writ appeal was filed in W.A.No.258 of 2015, challenging the above award in I.D.No.103 of 2011 dated 13.02.2012 and the order in Writ Petition No.22193 of 2012 dated 16.08.2012. The writ appeal was also dismissed on 11.03.2015, confirming the award as well as the order of the learned Single Judge and the award became final. No appeal was filed, as against the order passed by this Court.

3. Thereafter, proposals were submitted by the writ petitioner to the Government for initiating appropriate actions. However, the Government has not passed any order. Meanwhile, the first respondent/workman filed E.P.No.573 of 2018 in I.D.No.103 of 2011 and the Labour Court, Vellore issued a show cause notice against detention in prison issued to the respondent/judgment debtor under Section 151 read with order XXI Rule 37 C.P.C, which is under challenge in the present writ petition.

4. Though the Government was not impleaded as a party in the writ petition, this Court suo motu impleaded the Government as a party respondent in order dated 03.09.2019, pursuant to the suo motu impleadment made.

5. The learned Government Advocate obtained an instruction from the Government and made a submission that the Government has already initiated action on file and suitable orders will be passed within a period of three weeks from the date of receipt of a copy of this Order.

6. Mr.J.Manivannam, Liaisoning Officer/Office of Director of Rural Development Panagal Building, Saidapet, Chennai-15, who is present before this Court also informed that he has verified with the Government and that suitable actions have been initiated and the final decision will be taken by the Government within a period of three weeks from the date of receipt of a copy of this Order.

7. The learned Government Advocate also assured that all appropriate actions are initiated and the order will be passed as expeditiously as possible.

8. In view of the submission, this Court is inclined to direct the 2nd respondent/Secretary to Government, Rural Welfare Development and Panchayat Raj Department to issue appropriate

order in respect of the claim of the first respondent/workman, based on the award passed by the Labour Court as well as the order of the High Court and pass order within a period of four weeks from the date of receipt of a copy of this Order. It is made clear that the Principal Labour Court, Vellore need not initiate any further action for a period of eight weeks from the date of receipt of a copy of this Order. Even if no orders are passed thereafter, the Labour Court is at liberty to proceed with the show cause notice issued in proceeding dated 27.07.2019 in E.P.No.573/2018 in I.D.No.103/2011.

9. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

ssb

To

1. The Secretary to Government
Rural Welfare Development & Panchayat Raj Dept,
Fort St.George, Chennai.

2. The Principal Labour Court, Vellore

3. The Presiding Officer,
Labour Court, Vellore

+1cc to Mr.R.Ramesh, Advocate SR.No.78373

+1cc to Government Pleader, High Court, Madras SR.No.78949

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PPA(CO)
GMY(05/11/2019)