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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P(MD)No.14688 of 2019

R. Deepak

... Petitioner

Vs.

The Commissioner,
Sivagangai Municipality,
Sivagangai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to implement the order passed in IDOP.No.48 of 2018 dated 07.03.2019 on the file of the Labour Court, Madurai, by considering the petitioner's representation dated 23.03.2019 and 30.04.2019 and thereby, allow the petitioner to work as Sanitary Supervisor with back wages, in respondent Municipality.

For Petitioner : Mr.T.S. Mohammed Mohideen

For Respondents : Mr. J. Lawrance
Standing Counsel

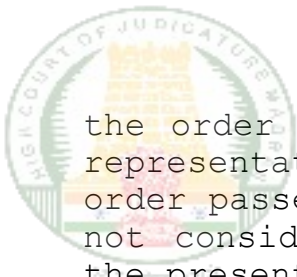
ORDER

This writ petition is filed seeking to direct the the respondent to implement the order passed in IDOP.No.48 of 2018, dated 07.03.2019, on the file of the Labour Court, Madurai, by considering the petitioner's representations dated 23.03.2019 and 30.04.2019 and thereby, allow him to work as Sanitary Supervisor with back wages, in respondent Municipality.

2. Mr.J. Lawrance, learned Standing Counsel takes notice for the respondent.

3. By consent of both parties, the writ petition is taken up for disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the respondent Municipality was directed by the Labour Court in I.D.No.48 of 2018, to allow the petitioner to work as Sanitary Supervisor with back wages for the period for which he was not allowed to work. He would further submit that subsequent to



the order passed by the Labour court, the petitioner has also sent representations, dated 23.03.2019 and 30.04.2019, to implement the order passed in the said ID.No.48 of 2018, but, so far, the same was not considered by the respondent. Hence, the petitioner has filed the present Writ Petition before this Court.

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5. The learned Standing Counsel appearing for the respondent would submit that the said representation will be considered subject to the steps to be taken by the respondent challenging the aforesaid ID order.

6. At this stage, the learned counsel appearing for the petitioner submitted that the respondent Municipality has not challenged the order passed by the Labour Court and the said copy of the Award was sent in the month of March 2019, now, more than three months have lapsed, so far, the Municipality has not taken steps to challenge the said order. If the respondent is really very serious to take up the matter, they ought to have taken steps and challenge the said award, within the reasonable time.

7. Considering the facts and circumstances of the case, this Court, without going into the aspect, by taking note of the above said fact, directs the respondent to consider the representations of the petitioner, dated 23.03.2019 and 30.04.2019, for implementing the Award passed by the Labour Court, in ID.No.48 of 2018, if there is no legal impediment, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS)

To

The Commissioner,
Sivagangai Municipality,
Sivagangai.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-72710[F] dated 02/07/2019)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-73333[F] dated 04/07/2019)

W.P (MD) No.14688 of 2019
02.07.2019

trp