



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

WEB COPY THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD) No. 97 of 2014

and

M.P. (MD) No. 1 of 2014

Agricultural Chemist,
Soil Testing Laboratory,
Government of Tamil Nadu,
Agricultural Department,
37, Sankar Colony,
Tiruchendur Road,
Palayamkottai, Tirunelveli-2.

: Appellant/2nd respondent/2nd respondent

Vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

:1st respondent/1st respondent/1st respondent

2.P.Lakshmanan

:2nd respondent/petitioner/petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 22.03.2013 passed in M.P. (MD) No. 2 of 2012 in W.P. (MD) No. 6416 of 2011.

PRAYER IN MP (MD) No. 2 OF 2012 IN WP (MD) No. 6416 OF 2011:

Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to direct the 2nd respondent/Writ petitioner to pay the last drawn wages of Rs.1875/- per month to the petitioner/2nd respondent from the date of the award till disposal of this Writ Petition.

Prayer in WP (MD) No. 6416/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorari calling for the records relating to the award passed in I.D.NO.31 of 2002 on the file of the 1st respondent dated 20.1.2011 and quash the same and pass such further or other orders as this Hon ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.



For Appellant : Mr.V.R.Shanmuganathan
Special Government Pleader

For R-2 : Mr.S.Sivakumar

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JUDGMENT

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the interim order passed by the Writ Court, dated 22.03.2013 made in M.P.(MD)No.2 of 2012 in W.P.(MD)No.6416 of 2011. The Writ Court directed the writ petitioner/management to pay the wages under Section 17(B) of the Industrial Disputes Act from the month of April 2013 with further direction to pay the arrears of 17(B) wages from the date of award.

2.We have heard the learned Special Government Pleader for the appellant and the learned counsel for the contesting respondent.

3.It is seen that the award in favour of the contesting respondent was passed by the Labour Court as early as on 20.01.2011. It is further seen that the said award was put to challenge by the Management before this Court immediately in W.P.(MD)No.6416 of 2011. Pending such writ petition, the Writ Court has granted the relief of payment of 17(B) wages to the workman.

4.Considering the above stated facts and circumstances, more particularly, in view of the fact that the main writ petition itself is pending before this Court, we are not inclined to express any view on the merits of the contentions made by both the parties, as the main writ petition itself can be directed to be taken up and decided on merits and in accordance with law, since it is kept pending for more than eight years. Accordingly, this writ appeal is disposed of by requesting the Writ Court to take up the main writ petition and dispose the same on merits and in accordance with law, after hearing both sides, within a period of four weeks from the date of receipt of a copy of this order.

5.Registry is directed to place the Writ Petition before the concerned Court on 14.06.2019. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /



To

The Presiding Officer,
Labour Court, Tirunelveli.

Copy To: The Section Officer,
Writ Section, Madurai Bench of Madras High Court,
Madurai.

(To list the Writ Petition on 14.06.2019)

+1 CC to M/s.S.SIVA KUMAR, Advocate (SR-67477[F] dated 07/06/2019)
+1 CC to M/s.SPL GP (SR-67590[F] dated 10/06/2019)

Order made in
W.A. (MD) No. 97 of 2014
Dated: **07.06.2019**

ES/11.06.2019/3P/5C