

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.11.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.16904 OF 2004

AND

W.P.M.P.NO.20025 OF 2004

The Superintending Engineer,
(Formerly Superintending Engineer -
Acquisition Circle, Madurai Corpn.,
Tallakulam, Madurai-2),
Madurai Electricity Distribution Circle/Metro,
Tamilnadu Electricity Board,
K.Pudur, Madurai. ... Petitioner

Vs.

1. S.Iyyachamy
2. The Management (Commissioner),
Madurai Corporation, Tallakulam, Madurai.
3. The Presiding Officer,
Labour Court, Madurai. ... Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the third respondent Labour Court dated 13.8.2003, passed in I.D.No.140/1994 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.Anand Gopal
Standing Counsel for TNEB
For Respondents 1 & 2 : No appearance
For M/s.T.S.Gopalan & Co

ORDER

When the case is taken up for hearing, Mr.Anand Gopal, learned counsel appearing for the petitioner has filed a memo dated 10.11.2020 on behalf of the petitioner, which reads thus:

"1.The Writ Petition has been filed against the award of the Labour Court, Madurai dated 13.08.2003 in I.D.No.139 of 1994. The Contesting Respondent Workman is the 1st Respondent. The Petitioner has not been able to trace the whereabouts of the said Respondent or his current address. As the Petitioner was unable to serve notice the Writ Petition has been dismissed on 21.01.2012.

2.The Petitioner states that even though the Award was passed as early as 2003 and more than 17 years have passed, the 1st Respondent has not approached this Hon'ble Court to challenge the Award nor he has taken any steps to enforce the Award till date. It is therefore evident that the 1st Respondent is not interested in pursuing the litigation and making a claim in terms of the Award.

3.In the light of the above, the petitioner craves leave of this Hon'ble Court to withdraw the Writ Petition with a liberty to challenge the Award in the event of the 1st Respondent making a claim in future."

2.Relying upon the averments made in the said memo, the learned counsel appearing for the petitioner would submit that, though 17 years have lapsed after passing the award, which is impugned herein, the first respondent neither has come forward to challenge the award in respect of the denial of backwages in the award itself nor has come forward before this Court or before the petitioner to claim to implement the award i.e., reinstatement.

3.Moreover, the petitioner despite having taken enormous efforts, are not able to find out the location of the first respondent, therefore, notice could not be served on them. Hence, in this circumstances, they come out with this memo seeking the leave of this Court to withdraw this writ petition, of course with the liberty to restore the same in case i.e., in future the first respondent come forward to seek implementation of the award dated 13.08.2003 made in I.D.No.140 of 1994 on the file of the Labour Court, Madurai.

4.Hearing the learned counsel for the petitioner and recording the said memo dated 10.11.2020, this Court is inclined to dismiss this writ petition as withdrawn with the aforesaid liberty to the petitioner. Accordingly, the Writ Petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Presiding Officer,
Labour Court, Madurai.
2. The Management (Commissioner),
Madurai Corporation,
Tallakulam, Madurai.

W.P.No.16904 of 2004

AJS (CO)
CS/10/12/2020



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