

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 33075 OF 2013

1.L.Duraisamy (Deceased)

2.Prema

3.S.Kavitha

4.Nalayini

5.Saridha

.. Petitioners

(P2 to P5 are substituted as legal heirs of deceased Sole petitioner as per order dated 25.2.2020)

- Vs -

The Superintending Engineer,
Gopi Electricity Distribution Circle,
Gopichettipalayam,
Erode District.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondent to pay the back wage and other monetary benefits as held in I.D.No.79 of 2001 on the file of the Labour Court, Salem with an interest of 14% from the date of award i.e., 23.12.2008 within an appropriate time.

For Petitioners: M/S.R.Naliyappan

For Respondent : Mr. Karthik Rajan

सत्यमेव जयते
ORDER

The writ petition has been filed by the petitioners, to direct the respondent to pay the back wage and other monetary benefits as held in I.D.No.79 of 2001 on the file of the Labour Court, Salem with an interest of 14% from the date of award i.e., 23.12.2008 within an appropriate time.

2.The case of the petitioners is that the original petitioner namely L.Duraisamy (deceased) joined the office of the respondent in the year 1969, and he was promoted as watchman in the year 1973, and over the tenure of his service, he was promoted further. However, while working as wireman, the petitioner was dismissed from service on 30.5.2000 on the

allegation that his educational certificate is bogus. Aggrieved by the said order, the petitioner raised an industrial dispute before the Labour Court, Salem in I.D.No.79 of 2001, which was allowed vide order dated 23.12.2008 directing the respondent to reinstate the petitioner with continuity of service and backwages along with other monetary benefits. Since the said order has not been complied with by the respondents, the petitioner submitted a representation on 18.9.2013, however no orders were passed on the said representation and, therefore, left with no other alternative, the petitioner approached this Court by filing the writ petition with the above said prayer.

3. Learned counsel appearing for the petitioner submitted that without going into the merits of the issue, it would suffice if this Court directs the respondents to dispose the petitioner's representation dated 18.09.2013 within a reasonable time as fixed by this court.

4. Learned Standing counsel for the respondent corporation submitted that though as against the order of the labour court, writ petition has been filed before this Court, which is in an unnumbered stage, however, the respondent would consider the representation in accordance with law within a time frame fixed by this Court.

5. Heard both side submissions and perused the materials available on record.

6. In the facts and circumstances of the case, considering the fact that till date the I.D was not implemented, I am inclined to issue a direction to the respondents to implement the I.D. 79/2001 by considering the representation dated 18.03.2013, within a period of 3 months from the date of receipt of copy of this order, in accordance with law.

7. With the above direction, this Writ petition is disposed of. There shall be no order as to costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs

To

1.The Labour Court, Salem

2.The Superintending Engineer,
Gopi Electricity Distribution Circle,
Gopichettipalayam,
Erode District.

+1 CC to Mr. Karthik Rajan, Advocate sr 29189.

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AJS (CO)
SP(04/11/2020)



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