

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM

THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

W.P.No.36229 of 2016

1.G.Ramamoorthy

2.S.Ravi

... Petitioners

Vs

1.The Deputy Registrar (Dairying)
Collectorate, Thiruvannamalai,
Thiruvannamalai District.

2.The President,
Thiruvannamalai Milk Producers,
Cooperative Society,
No.79, Iyankula Street,
Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Mandamus directing the respondents to permit the petitioners to join duty in the 2nd respondent society by giving continuity of service together with promotions.

For Petitioners : Mrs.Hemalatha for Mr.C.Prakasam
For Respondents : Ms.T.Girija

Additional Government Pleader for R1 & R2

O R D E R

The writ petitioner was appointed as a Supervisor in the second respondent Society. During that period charges framed against the petitioner was shortage in the milk stock and consequently the Writ Petitioner was dismissed from his service. Challenging the said dismissal order, the petitioners filed applications before the Labour Court, Vellore in I.D.Nos.577/1993 and 578 of 1993 respectively. The Labour Court

allowed the aforesaid I.D.Nos.577/1993 and 578 of 1993 and passed an order on 09.10.1997 to reinstate the petitioners into service with continuity of service with full backwages and other benefits. The aforesaid award passed by the Industrial Tribunal was challenged before this Court in W.P.No.8101/1998 and the same was dismissed and modification to the order of the Labour Court was made insofar as backwages was concerned and the Writ Appeal preferred by the Management in W.A.No.123 of 2004 against the order in W.P.No.8101/1998, was dismissed by this Court, confirming the aforesaid order passed in the Writ Petition. However, the respondents have not implemented the order of the Labour Court and Therefore, filed a Writ Petition before this Court to implement the said order for reinstating the petitioners into service and to consider the continuity of service along with promotion to the writ petitioners.

2. No counter affidavit is filed on behalf of the 2nd respondent. The learned Government Pleader appearing for the respondents would submit that the writ petitioners have not made any representations to the authorities concerned to reinstate them in service, by implementing the said order, and they straight away filed the present Writ Petition before this Court. He further stated that the writ petitioners have not approached this Court within a reasonable period of time and they belatedly filed this Writ Petition in the year 2016 and therefore on the aforesaid grounds, the Writ Petition is not maintainable.

3. This Court has considered the submissions that the respondents have not implemented the order of the Industrial Dispute in I.D.Nos.577 and 578 of 1993 dated 09.10.1997, for the reasons best known to the 2nd respondent and despite notices served to the respondents, so far, no counter affidavit has been filed on behalf of the 2nd respondent. It is seen from the orders that the writ petitioners have not approached this Court within a reasonable time and they filed the present Writ Petition after a lapse of 7 years, after the disposal of the Writ Appeal.

4. From verifying the records, it is found that the petitioners have not enclosed the copy of the representations made to the respondents. At this stage, this Court will not express any opinion for the delay and it is for the petitioners to make a request / representation, seeking implementation of the order passed by the Labour Court, which was subsequently modified in the Writ Petition in W.P.No.8101/1998.

5. Therefore, the Writ Petition is not maintainable and hence, the same is dismissed as not maintainable. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/
Sub Asst. Registrar

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To

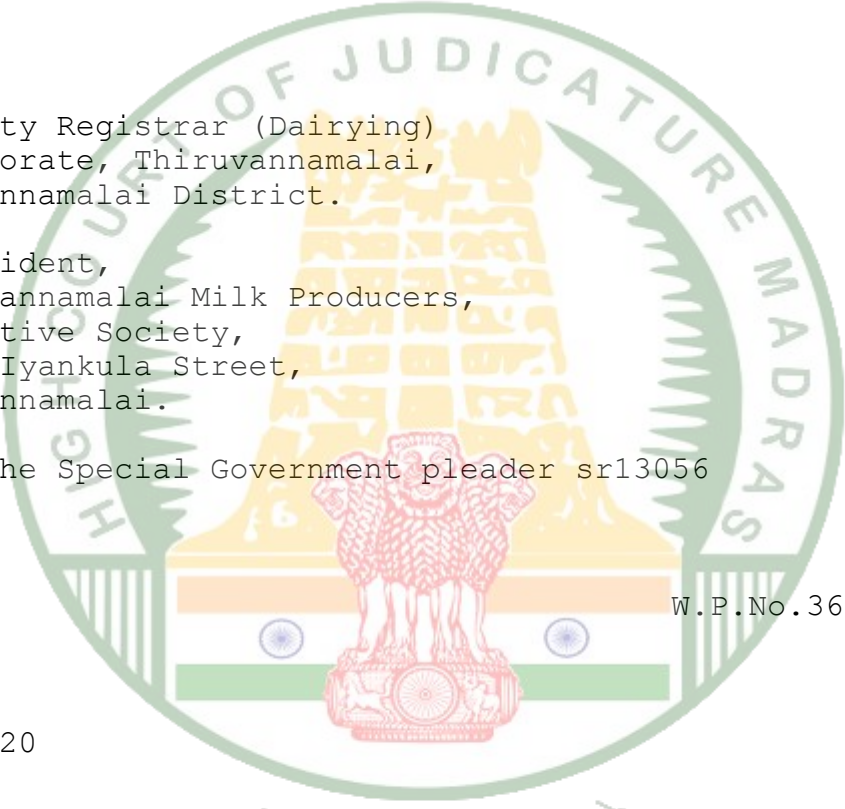
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+1 cc to the Special Government pleader sr13056

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