

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.13923 & 13921 of 2020

N.Udayakumar

... Petitioner in

W.P.No.13923 of 2020

C.Sellamuthu

...Petitioner in

W.P.No.13921 of 2020

Versus

The Superintendent Engineer,
TANGEDCO,
Erode Generation Circle,
Uratchi Kothai,
K.N.Palayam Post,
Bhavani, Erode District.

... Respondent in both W.P's

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to dispose the representations of the petitioners dated 09.01.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.M.Sasikumar
in both W.P's

For Respondent : Mr.Anand For M/s.T.S.Gopalan & Co
in both W.P's learned Standing Counsel for
TANGEDCO

सत्यमेव जयते
COMMON ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to dispose of the representation of the petitioners dated 09.01.2020 within a time frame that may be fixed by this Court.

2. That the petitioners were employees under the respondent Organization (i.e.,) TANGEDCO, the Superintendent Engineer, K.N.Palayam Post, Bhavani, where they raised Industrial Disputes under Section 2A(2) of Industrial Disputes Act, 1947 in I.D.Nos.120 of 2013 & 85 of 2013 on the file of the Presiding Officer, Labour Court, Salem.

3. The said Labour Court, after hearing the parties in the said Industrial Disputes, passed an award on 11.07.2019 and 30.09.2019, whereby the Industrial Disputes were allowed and the Management was directed to reinstate the petitioners as Watchmen and further, directed the Management to pay backwages from 25.05.1999 and 09.04.1992, the date on which, the employees were dismissed from service.

4. According to the petitioners, the said awards of the Labour Court dated 11.07.2019 and 30.09.2019 were already published under the provisions of the Industrial Disputes Act on 04.12.2019. Therefore, after one month from the date of publication, it has come into effect. Despite the same, so far the awards have not been complied with by the respondent/Management. Therefore, in order to comply with the said awards passed by the Labour Court, the petitioners have given representations to the respondent on 09.01.2020 and the said representations since have also not been considered by the respondent/Management, according to the petitioners, they have filed these writ petitions with the aforesaid prayer.

5. Heard Mr.M.Sasikumar, learned counsel appearing for the petitioners, who, having reiterated the aforesaid fact, has submitted that, if a direction is given to the respondent/TANGEDCO to decide the representation of the petitioners dated 09.01.2020 on merits and in accordance with law towards the implementation of the awards passed by the Labour Court dated 11.07.2019 and 30.09.2019, within a time frame stipulated by this Court, the writ petitioners would be satisfied.

6. However, the learned Standing Counsel appearing for the respondent/TANGEDCO, on instruction, would submit that, the said representations of the petitioners dated 09.01.2020 having been considered, a reply was given to the petitioners, wherein, the stand of the respondent/TANGEDCO to file a writ petition to challenge the said awards dated 11.07.2019 and 30.09.2019 had already been expressed and in view of the same, nothing is pending before the respondent/TANGEDCO to further adjudicate or to further consider as has been sought for in the said representations of the petitioners dated 09.01.2020.

7. However, the said submission made by the learned Standing Counsel appearing for the respondent is controverted by the learned counsel appearing for the petitioners by stating that, his instruction from the petitioners discloses that no such communication has been received from the respondent/TANGEDCO disposing the representations of the petitioners dated 09.01.2020.

8. Be that as it may, now in view of the stand taken by the learned Standing Counsel appearing for the respondent that, the representations of the petitioners dated 09.01.2020 having been considered and a reply has also been communicated to the petitioners, recording the same, this Court is inclined to dispose of the writ petitions with the following orders:

(i) That the petitioner's representations dated 09.01.2020, if they are already considered or the order passed to that effect as claimed by the learned Standing Counsel appearing for the respondent/TANGEDCO, copies of the same shall be communicated once again to the petitioners by Registered Post within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, it is left open to the petitioners to act upon in the manner known to law.

9. With these directions, these writ petitions are disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssb

To:

The Superintendent Engineer,
TANGEDCO,
Erode Generation Circle,
Uratchi Kothai,
K.N.Palayam Post,
Bhavani, Erode District.

+1 cc to M/s.T.S.Gopal & Co, Advocate Sr.No. 33926

NRJK (CO)
RMP (09/11/2020)

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