



17.09.2021, in the absence of the accused considering his medical ailments, in C.C.No.262 of 2013 pending on the file of the Judicial Magistrate Court, Ambattur, Chennai.

3.The petitioner representing the Central Cattle Breeding Farm, Avadi, Chennai - 600 052 had filed the above said petitions. The said petitioner has been prosecuted by the respondent i.e. Labour Enforcement Officer. The Director, Central Cattle Breeding Farm, Avadi Chennai, in his representative capacity, responsible to implement the Award dated 07.11.1995 of the Industrial Tribunal No.6/1986 in relation to the dispute between the Management of the Central Cattle Breeding Farm, Chennai and its workmen represented by the President, Agriculture and Irrigation Workers Union, Chennai.

4.The contention of the petitioner is that the petitioner, previous Director of Central Cattle Breeding Farm, Avadi, which is an undertaking of the Central Government. He was in service from the year 2012-2013. Thereafter, transferred to Central Cattle Breeding Farm, Chiplima, Orissa and served in Orissa.

5.He further submits that on 30.01.2015, the petitioner's Institution had approached the Apex Court by way of a SLP.No.1205 off 2015 and the Hon'ble Apex Court stayed the operation of the impugned order dated 22.09.2014 passed by this Court in W.A.No.1488 of 2002. The above said SLP is still pending before the Apex Court. The sum and substance of the case is that the industrial dispute is between the workmen and the Management and the finality is yet to be reached.

6.He further contended that the petitioner had undergone open heart surgery and affected with several medical ailments, due to his health ailments he was unable to attend office regularly. Hence, he had taken voluntary retirement from the Government Service on 10.03.2021. On 16.04.2021, the incumbent Director, Central Cattle Breeding Farm, Chennai personally appeared before the trial Court, informed about the retirement of the petitioner and requested the Court and the respondent herein to take steps under Section 305 Cr.P.C. to substitute him in the place of the petitioner. Despite several representations orally made before the trial Court, neither the trial Court nor the respondent taken effective steps to substitute the present Director. On 17.09.2021, the petitioner was not able to attend the hearing due to his health ailments. Hence, the trial Court issued Non-Bailable Warrant against the petitioner for his non-appearance.

7.He further submits that the Labour Enforcement Officer had lodged a complaint before the trial Court i.e, the Judicial Magistrate Court, Ambattur, for violation of the non implementation of the award, which is the subject matter in the Writ Petition. In view of the Apex Court order and the pendency of the Industrial dispute award before this Court, no



progress can be made in C.C.No.262 of 2013. The continuation of the above said Criminal proceedings before the trial Court with the petitioner's name representing the accused institute would serve no purpose, for the speedy disposal of the complaint. The petitioner had taken effective steps to file petition under Section 305 Cr.P.C. to substitute the incumbent Director instead of the petitioner, which is not entertained by the trial Court and the trial Court had issued Non-Bailable Warrant against the petitioner, which is not proper.

8.Considering the submissions and on perusal of the materials, this Court finds reason in the submission of the learned counsel appearing for the petitioner. In view of the same, this Court recalls the Non-Bailable Warrant issued against the petitioner by the learned Judicial Magistrate, Ambattur on 17.09.2021, considering the status, the health condition of the petitioner and the nature of prosecution faced by the petitioner. Further directs the trial court to receive the petition filed under Section 305 Cr.P.C to substitute the incumbent Director in the place of the petitioner. Thereafter the trial Court to issue notice to the Central Cattle Breeding Farm, to nominate appropriate incumbent Director to represent the Central Cattle Breeding Farm, Avadi, Chennai - 52 instead of the petitioner. The petitioner is directed to produce the order copy along with the affidavit for substitution as well as the vakalat, before the Judicial Magistrate Court, Ambattur, who shall accept the same and pass appropriate orders.

9.With the above directions, these Criminal Original Petitions stand disposed of.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Ambattur.

2.The Labour Enforcement Officer (Central),
Government of India,
Ministry of Labour and Employment,
No.26, Haddows Road,
Shastri Bhawan, Chennai - 600 006.

3.The Public Prosecutor, High Court, Madras.

+2 ccs to Mr.B.Sudhir Kumar ., Advocate Sr.NO. 67820

CRL.O.P.Nos.23738 & 23740 of 2021

BP (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SR(08.02.2022)