

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.3375 of 2017
and CMP.No.15726 of 2017

The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai

..Petitioner

Vs.

1.C.Vijayabalan
2.The Presiding Officer,
The Principal Labour Court,
Vellore

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the subsequent impugned adjudication order dated 28.08.2017 in EP.No.153 of 2015 in ID.No.72 of 2014 on the file of the Principal Labour Court, Vellore.

For Petitioner : Mr.S.Eraskine Leo

For Respondents

For R1 : Mr.S.Anbazhagan
for M/s.D.Geetha

R2 : Court

ORDER

This Civil Revision Petition is arising out of adjudication order dated 28.08.2017 passed in EP.No.153 of 2015 in ID.No.72 of 2014 on the file of the Principal Labour Court, Vellore thereby recorded

the affidavit filed by the petitioner and posted the EP for reporting compliance.

2. The first respondent is the claimant. When he was working as watchman of the cycle stand belongs to the petitioner, he was removed from service. Aggrieved by the same, the first respondent raised industrial dispute in ID.No.72 of 2014 before the Principal Labour Court, Vellore. The claim petition was allowed and the petitioner was directed to reinstate the first respondent with backwages. Aggrieved by the same, the petitioner preferred writ petition before this Court in WP.No.7922 of 2016, in which this Court passed interim order of stay on condition that the petitioner shall reinstate the first respondent with deposit of 50% of the backwages and ordered to pay 17(b) wages to the first respondent herein. Aggrieved by the same, the petitioner also filed writ appeal before this Court and deposited backwages was reduced by this Court. Even then, the said order was not complied with. As such this Court by order dated 03.10.2018 dismissed the writ petition in WP.No.7922 of 2016. Thereafter the first respondent proceeded with the execution proceedings. In the execution proceedings, on 28.08.2017, the petitioner filed affidavit thereby undertaking to reinstate the first respondent and also undertook to pay subsistence allowance in future.

Aggrieved by the same, the present civil revision petition has filed.

3. The learned counsel for the first respondent submitted that when the execution court recorded the undertaking affidavit of the petitioner on 28.08.2017 and posted the matter for reporting compliance on 14.09.2017, even then on 14.09.2017, the petitioner herein failed to comply with the order even as per her own undertaking affidavit filed before the execution court. Therefore, the execution court ordered arrest of the petitioner herein and the same is also challenged before this Court in CRP.No.4279 of 2018 and it is pending. Therefore, nothing survives in this civil revision petition, since the subsequent order is under challenge before this Court in CRP.No.4279 of 2018 before this Court.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

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To

The Principal Labour Court,
Vellore



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