



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.11172 and 11173 of 2010

and

M.P(MD)Nos.1 and 1 of 2010 and 1 of 2011

and

M.P(MD)Nos.2 and 2 of 2010 and 1 of 2011

The Chairman
Tuticorin Port Trust,
Cargo Handling Labour Pool
Tuticorin

... Petitioner in both W.Ps

Vs.

1. T.Sundar Singh
2. The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents in both W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the common order dated 23.10.2009 passed in claim petition No.28 of 2005 and claim petition No.8 of 2006 on the file of the 2nd respondent and quash the same.

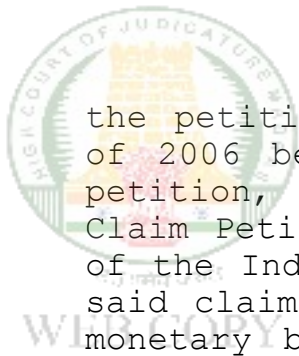
For Petitioner in
both W.Ps : Mr.VR.Shanmuganathan
for Mr.S.Yashwanth

For R1 in
both W.Ps : Mr.G.Thalaimutharasu

COMMON ORDER

These writ petitions are filed by the petitioner, calling for the records relating to the common order, dated 23.10.2009, passed in claim petition Nos.28 of 2005 and 8 of 2006 on the file of the second respondent and quash the same.

2.The case of the petitioner is that the first respondent/workman has raised an industrial dispute in I.D.No.103 of 1994 for continuation of service with back wages, as per Section 18(1) of the Settlement, dated 11.05.1983. The Labour Court passed an award on 05.01.2004 to conduct a screening test to the first respondent and provide him an employment if he is found to be fit for being appointed as a shore clerk. Challenging the said award,



the petitioner/Management has filed a writ petition in W.P.No.1282 of 2006 before this Court. During the pendency of the said writ petition, the first respondent/workman filed claim petitions in Claim Petition Nos.8 of 2006 and 28 of 2005 under Section 33(c) (2) of the Industrial Dispute Act, claiming the arrears of amount. The said claim petitions were allowed and the Labour Court awarded the monetary benefits to the tune of Rs.1,78,256/- and Rs.1,20,290/- along with interest at the rate of 10% p.a. Challenging the said award, the petitioner/Management has filed these writ petitions.

3.The learned counsel appearing for the petitioner submitted that the writ petition in W.P.No.1282 of 2006 filed by the petitioner/Management was allowed and the main ID itself was set aside by this Court. Hence, the award made in the claim petitions also merged with the main I.D itself.

4.The learned counsel appearing for the first respondent did not dispute the facts submitted by the learned counsel for the petitioner.

5.Since the award made in main I.D.No.103 of 1994 itself was set aside by this Court, the order passed in Claim Petition Nos.8 of 2006 and 28 of 2005 also automatically got merged with the main I.D. Hence, the common order, dated 23.10.2009, passed in claim petition Nos.28 of 2005 and 8 of 2006 by the Labour Court, is also set aside and accordingly, these writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Presiding Officer,
Labour Court, Tirunelveli.

Order made in
W.P. (MD)Nos.11172 & 11173 of 2010 and
M.P(MD)Nos.1 & 1 of 2010 and 1 of 2011 and
M.P(MD)Nos.2 & 2 of 2010 and 1 of 2011
21.01.2021

SRK (CO)

SRS (05/03/2021) 2P : 2C

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