



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD) No.7336 of 2012

WEB COPY

1. A.Balamurugan
2. E.Thomas
3. D.Murugan
4. S.Muthiah
5. V.Muthupandi
6. P.Oyykkattan
7. A.Somu
8. S.Chinnapandi
9. M.Chanra Raja
10. R.Durai
11. S.Arumugam
12. V.Murugan
13. V.Anbu Madasamy
14. U.Samuthiram
15. S.Mariappan
16. S.Balpandi
- ... Petitioners

versus

1. The Presiding Officer,
Labour Court,
Tirunelveli.
2. U.Chellappa
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent herein in its dated 20.02.2012 made in C.P.No.16 of 2011 and quash the same and consequently, direct the 2nd respondent herein to pay the salary to petitioners for the period from 30.01.2010 to 15.05.2011 for a sum of Rs.51,634/- for each petitioner, totally a sum of Rs.8,26,144/- with interest.

For Petitioner : Mr.K.Hemakarthiskeyan

For Respondents : Mr.G.Prabhu Rajadurai for R2

ORDER

The petitioners have filed this writ petition, challenging the interim order passed in C.P.No.16 of 2011, which was filed



pursuant to the award passed in I.D.Nos.1 to 16 of 2007.

2. Originally, the petitioners, who were working under the second respondent herein, had filed petitions before the Labour Court, Tirunelveli, in I.D.Nos.1 to 16 of 2007 seeking reinstatement with continuity of service and to pay salary for the non-employment period. After considering the materials on record, the Labour Court, vide order 30.01.2010, held that the relationship of employer and employee had not been established but the petitioners employment as loadmen with the 2nd respondent had been stopped abruptly without any reason and, therefore, the Labour Court directed the employer/second respondent herein to pay a compensation of Rs.5,000/- to each of the employee/petitioner herein and also to provide work to them as was provided to the other loadmen, without there being any relationship between of employer and employee. Since the said order has not been complied with, the petitioners/workmen jointly filed a claim petition in C.P.No.16 of 2011, but the said claim petition was dismissed by the Labour Court, Tirunelveli, vide order dated 20.02.2012. Challenging the same, the present writ petition has been filed.

3. Today, when the matter is taken up for consideration, it is stated that challenging the award passed in I.D.Nos.1 to 16 of 2007, the employer/the second respondent herein filed a writ petition before this Court in W.P.(MD)No.11115 of 2010, wherein, this Court allowed the said writ petition and set aside the award passed in I.D.Nos.1 to 16 of 2007.

4. Since the award passed in I.D.Nos.1 to 16 of 2007 having been set aside, nothing survives for consideration in the present writ petition filed as against the dismissal of the claim petition, which was filed to enforce the order passed in I.D. Nos.1 to 16 of 2007.

5. For the reason aforesaid, this writ petition is closed. However, it is open to the petitioners herein to work out their remedy before the appropriate forum. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

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Sub Assistant Registrar (CS)

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To
The Presiding Officer,
Labour Court,
Tirunelveli.

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CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-6247[F] dated
19/02/2021)

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-6550[F] dated
22/02/2021)

W.P. (MD) No.7336 of 2012

18.02.2021

AMS (26.04.2021) 3P 4C