



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12031 of 2011
& M.P.No.1 of 2011
& M.P.Nos.1 to 3 of 2013

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
No.1, Hospital Road, Chennai Highway,
Villupuram Region-605 602.
(Formerly Cuddalore Region)

..Petitioner

Vs.

1.A.Marikannu
2.The Presiding Officer,
Labour Court, Cuddalore.

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the second respondent pertaining to the Award passed in I.D. No.16 of 2004 dated 19.01.2011 and to quash the same.

For Petitioner : Mr.C.Selvaraj

For Respondent-1 : Mr.G.B.Saravanabhavan

O R D E R

Today the matter is listed under the caption "for being spoken to".

2. In the impugned Award passed in I.D.No.16 of 2004 dated 19.01.2011, the Labour Court, Cuddalore had directed the petitioner-Corporation to reinstate the first respondent herein into service, without continuity of service or back wages. This Award is put under challenge in the present Writ Petition.

3. Heard the learned counsel for the parties.

4. It would be pertinent to mention here that after the first respondent was discharged from service, he had chosen to raise an Industrial Dispute after a delay of 18 years and though the petitioner-Corporation had raised this as a ground in the Industrial Dispute, the Labour Court had failed to address these



laches. Thus, the Award cannot be sustained when this substantial ground has not been addressed.

5. Admittedly, the first respondent herein had now reached the age of superannuation. Therefore, the question of reinstatement will not arise at all. However, I do not intend to set aside the Award on the ground of laches, since the first respondent herein, cannot be now reinstated back into service owing to his age and therefore, remanding the matter back to the Labour Court, would only be a futile exercise.

6. Though the Award in I.D. No.16 of 2004 dated 19.01.2011, directs the petitioner-Corporation to reinstate the first respondent into service, they did not reinstate him into service but had chosen to pay his last drawn wages under Section 17 B of the Industrial Disputes Act, 1947. In view of the Award, denying continuity of service or back wages and taking into account the petitioner-Corporation has been paying the last drawn wages under Section 17 B of the ID Act to the first respondent herein, he will not be entitled to claim any monetary or service benefits under Section 33-C(2) of the ID Act. Hence, no effective orders can be passed in this Writ Petition.

7. In view of the foregoing reasons, the Writ Petition stands closed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

DP/pns

To

The Presiding Officer,
Labour Court, Cuddalore.

+1cc to M/s.G.B.Sarvanabhavan, Advocate, S.R.No.16087

W.P.No.12031 of 2011
& M.P.No.1 of 2011
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SKM(CO)
SB(25/03/2022)