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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NOS.22452 & 22453 OF 2013

K.Anbalagan
C/o. The Shevaroy's General
Employees Union,
32/32, Main Road,
Yercaud - 636 601.

... Petitioner in
both W.P's

Vs.

1. Yercaud Panchayat Union,
Rep. by its Commissioner,
Yercaud.
2. The District Collector,
Salem District.
3. The State of Tamil Nadu,
Rep. by its Secretary,
Labour & Employment Department,
Fort St. George,
Chennai - 9.
4. The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development Department,
Fort St. George,
Chennai - 9.

... Respondents in
both W.P's

PRAYER IN W.P.NO.22452 OF 2013:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to comply with the award of the Labour Court, Salem, dated 18.09.2000 in ID 198/1999 within the time frame.



PRAYER IN W.P.NO.22453 OF 2013:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to sanction prosecution on the complaint dated 23.11.2006 under Section 29 of the Industrial Disputes Act, 1947 by the Shevaroy's General Employees Union to which the petitioner belong, which complaint has been taken up on the file of the third respondent vide its letter No.31056/T1/2005-5 dated 05.12.2006, authorise V.K.Nallamuthu, of the Shevaroy's General Employees Union, Thotta Thozilalar Illam, Main Road, Yercaud-636 601 to prosecute the criminal proceedings.

For Petitioner : Mr.K.M.Ramesh
(in both W.P's)

For Respondents : Mr.C.Selvaraj
(in both W.P's) Additional Government Pleader
For R1

Mr.P.Ganesan
Government Advocate
[R2 to R4]

COMMON ORDER

The relief sought for by the petitioner in WP.No.22452 of 2013 is that the Award dated 18.09.2000 in I.D.No.198 of 1999 was not implemented and therefore, he sought for issuance of Writ of Mandamus for implementation of the Award.

2. The further grievance of the petitioner is that for non-implementation of an Award passed in I.D.No.198 of 1999 dated 18.09.2000, the petitioner herein has sought for the sanction for prosecution on his complaint dated 23.11.2006 under Section 29 of the Industrial Disputes Act. Since his complaint was not acted upon by the third respondent, WP.No.22453 of 2013 has been filed.

3. Today when the matter was called for, Mr.K.M.Ramesh, learned counsel for the petitioner submitted that the Award of the Labour Court in I.D.No.198 of 1999 dated 18.09.2000 was implemented by the Government. Hence, the prayer in both the Writ Petitions have become infructuous. In other words, the sanctioning for prosecution sought for by the petitioner will not survive in view of such implementation.



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4. Accordingly, the Writ Petitions stand closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Yercaud Panchayat Union,
Yercaud.
2. The District Collector,
Salem District.
3. The Secretary,
State of Tamil Nadu,
Labour & Employment Department,
Fort St. George,
Chennai - 9.
4. The Secretary,
The State of Tamil Nadu,
Rural Development Department,
Fort St. George,
Chennai - 9.

+1cc to the Government Pleader, S.R.Nos.11556 & 11106

W.P.NOS.22452 & 22453 OF 2013

PMK (CO)
PBS/07/03/2022