



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.3203 of 2021

and

W.M.P. (MD) Nos.2532 and 17620 of 2021

WEB COPY

S.Sugumaran

... Petitioner

Vs.

The Commissioner,
Thogamalai Panchayat Union,
Thogamalai, Kulithalai Taluk,
Karur District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to give employment to the petitioner herein in the notified vacancies in (Na.Ka) 15/21-2722-2020 dated 11.01.2021 in view of the award dated 07.09.2006 in I.D. No. 146 of 2001 passed by the Labour Court, Tiruchirappalli and confirmed by the final award on merit or in alternate award a compensation of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) for the loss employment to the petitioner, based on the representation dated 29.01.2021 and grant such other reliefs.

For Petitioner	: Mr.S.Jayavel
For Respondent	: Mr.A.K.Manickkam Special Government Pleader

O R D E R

The grievances of the writ petitioner is that he raised an Industrial Dispute in I.D. No. 146 of 2001 under Section 2-A(2) of the Industrial Dispute Act for the relief of reinstatement with continuity of service and backwages. The Labour Court, Tiruchirappalli allowed the Industrial Dispute on 07.09.2006 and granted the relief of reinstatement with backwages. However, the petitioner has not chosen to approach the Labour Court for execution of the award and contrarily filed a Writ Petition in W.P. (MD) No. 4953 of 2011.

2.The learned counsel for the petitioner made a submission that this Court passed an order on 08.09.2011 directing the respondent to implement the award. The said order also has not been complied with. However, the petitioner has not filed any further proceedings for implementation of the High Court order. Contrarily, the petitioner has chosen to file the present Writ Petition after a lapse of about ten years from the date of passing of the order in W.P. (MD) No. 4953 of 2011. There is an enormous and unexplained



delay on the part of the writ petitioner, even in pursuing the award passed by the Labour Court and thereafter, the order passed by this Court on 08.09.2011 in W.P. (MD) No. 4953 of 2011. The petitioner has not even filed the execution petition before the Labour Court.

3.The learned counsel for the petitioner further made a submission that no doubt, there is a long delay in approaching the Court of Law for redressal of the grievances. However, the petitioner is armed with an award in his favour and therefore, he is entitled for compensation. If at all such compensation is to be claimed, it is for the petitioner to approach the Competent Court of Law for the purpose of grant of such compensation. An employee, who is armed with an award, slept over his right for many years, cannot now wake up and knock the doors of the Court. Thus, he lost his right at one point of time, as he was not vigilant enough or not pursue on account of lack of interest or otherwise. However, the Court cannot entertain the petition after several years, as it is hit by laches. In the present case, if at all the petitioner is eligible to claim compensation pursuant to the award or otherwise, it is left open to the writ petitioner to approach the Competent Court of Law in the manner known to law.

4.With this liberty, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Commissioner,
Thogamalai Panchayat Union,
Thogamalai, Kulithalai Taluk,
Karur District.

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RS (30.05.2022) 2P-2C