



WEB COPY

WP[MD]No.12965 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.02.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.(MD)No.12965 of 2018

and

W.M.P(MD).Nos.20769 & 20770 of 2018

Selvaganapathy

/Vs./

...Petitioner

- 1.The Principal Secretary,
Secretary to the Government,
Handlooms, Handicrafts,
Textiles and Khadi Department,
Chennai-9.
- 2.The Chairman and Managing Director,
Tamil Nadu Co-operative
Spinning Mills Federation,
Chennai-108.
- 3.The Director of Handlooms and Textiles,
Chennai-108.
- 4.The Registrar of Co-operative Societies,
Chennai-10.
- 5.The Commissioner,
South India Co-operative
Spinning Mills Limited,
Pettai, Tirunelveli-10.
- 6.The Presiding Officer, Labour Court,
Tirunelveli District. ...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to implement the order passed in I.D.No.24 of 2005 dated 30.09.2009 passed by the sixth respondent/Labour Court, Tirunelveli.

For Petitioner : Mr.R.Saraswathi

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader



ORDER

WEB COPY The petitioner seeks mandamus directing respondent Nos.1 to 5 to implement order dated 30.09.2009 passed in I.D.No.24 of 2005 by the Labour Court, Tirunelveli.

2. This Writ Petition is misconceived insofar as, while the efforts of the respondents to implement the order are apparent, there has been no co-operation in this regard by the petitioner. The direction of the Labour Court was to grant alternate employment to the petitioner.

3.To this end, the respondents have offered alternative employment to the petitioner and communications dated 23.07.2013, 26.07.2013 and 15.07.2013 exchanged *inter se* the parties are placed before the Court.

4.This establishes that petitioner has been given opportunity as directed by the Labour Court, but has chosen not to avail the same, since he was not content with the terms offered. With the offering of alternative employment, the order of the Labour Court stands well complied and Mandamus as sought, is not liable to be issued.

5.That apart, offer of employment has been made by the respondents as early as in 2013, whereas, the petitioner chooses to approach this Court, belatedly, only in 2018. Thus, on both scores as aforesaid, this Writ Petition has no merit and stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy
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/ /2022

Sub Assistant Registrar
(CS)

ssb



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary,
Secretary to the Government,
Handlooms, Handicrafts,
Textiles and Khadi Department,
Chennai-9.
 - 2.The Chairman and Managing Director,
Tamil Nadu Co-operative
Spinning Mills Federation,
Chennai-108.
 - 3.The Director of Handlooms
and Textiles, Chennai-108.
 - 4.The Registrar of Co-operative Societies,
Chennai-10.
 - 5.The Commissioner,
South India Co-operative
Spinning Mills Limited,
Pettai, Tirunelveli-10.
 - 6.The Presiding Officer,
Labour Court, Tirunelveli District.
- +1 CC to M/s.D.SARAVANAN, Advocate (SR-3768[F] dated 02/02/2022)
+1 CC to M/s.SPLGP (SR-3640[F] dated 02/02/2022)

W.P. (MD) No.12965 of 2018

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MGJ(15.02.2022) 3P 9C

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