



WEB COPY



WP Nos. 10258 & 48894 / 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM :

THE HONOURABLE DR. JUSTICE D. NAGARJUN

Writ Petition Nos. 10258 & 48894 of 2006

and

M.P. No. 18993 of 2006

and

W.P. M.P. No. 11595 of 2006

and

W.V. M.P. No. 2084 of 2006

W.P. No. 10258 of 2006:

M/s. Sri Ramnarayan Mills Ltd.,
2/1, Balasundaram Chettiar Road,
Coimbatore 641018
Rep., by Personnel Officer

...Petitioner

Versus

1. The Presiding Officer,
Labour Court, Coimbatore.

2. R. Balasundaram

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records and quash the award dated 24.08.2005 passed in I.D. No. 29 of 2000 by the first respondent, Presiding Officer, Labour Court, Coimbatore.

For Petitioner : Mr. Dharani Chander.



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For Respondents : Mr. V. Govardhanan for
M/s.Row & Reddy for R2.

R1 – Court.

W.P. No. 48894 of 2006:

R. Balasundaram ...Petitioner
Versus

1.The Presiding Officer,
Labour Court, Coimbatore - 18.

2.M/s. Sri Ramnarayan Mills Ltd.,
Rep., by its Personnel Officer
2/1, Balasundaram Chettiar Road,
Coimbatore 641018. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records relating to the Award dated 24.08.2005 of the first respondent Labour Court in I.D. No. 29 of 2000 and quash the same in so far as it denied 50% back wages to the petitioner and consequently direct the second respondent to grant full back wages to the petitioner with interest and all other attendant benefits, award costs.

For Petitioner : Mr. V. Govardhanan for
M/s.Row & Reddy

For Respondents : Mr. Dharani Chander for R2.

R1 – Court.



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COMMON ORDER

These Writ Petitions have been filed for quashing the award passed by the first respondent in I.D. No. 29 of 2000 dated 24.08.2005 directing the management viz., M/s. Sri Ramnarayan Mills Ltd., to reinstate one R. Balasundaram and pay 50% of the back wages. Since both the writ petitions challenge the very same award, they are disposed of by this common order.

2. Parties are hereinafter referred as per their rank in W.P. No. 48894 of 2006 for the sake of convenience.

3. The question that arises for consideration is whether the award of the first respondent can be confirmed granting reinstatement and 50% of back wages or whether as sought for by the petitioner, 100% of back wages have to be paid.

4. It is reported by both the learned counsel for the petitioner and the second respondent that the petitioner retired in the year 2005 and as per the direction of this Court, the second respondent has paid 50% of the



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back wages of Rs.1,96,322/- out of which the petitioner is said to have withdrawn 50% and the balance amount is still lying. It is submitted by both the counsel that cause does not survive anymore in these writ petitions and that since 50% of deposited amount has already been withdrawn, if a direction in respect of withdrawing balance amount is given, it will meet the ends of justice.

5.Considering the submissions of the petitioner and the second respondent and on considering the facts and circumstances, this Court is of the view that the cause does not survive any more as the petitioner has already retired and hence, keeping the petitions pending will not serve any purpose.

6.Accordingly, these writ petitions are disposed of, confirming the award passed by the Labour Court and permitting the petitioner to withdraw the balance amount which is lying in deposit to the credit of I.D. No. 29 of 2000 on the file of the Labour Court, Coimbatore, along with accrued interest. Further, the petitioner is at liberty to seek for other benefits if he is entitled and on filing of which, the second respondent may consider the same as per the procedure established under law. No



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costs. Consequently, all the connected Miscellaneous Petitions are

closed.

05.10.2023

ay

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Presiding Officer,
Labour Court, Coimbatore.



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DR. D. NAGARJUN, J

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