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W.P. No.27566 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition No.27566 of 2014

The Superintending Engineer
Thiruvannamalai Electricity Distribution Circle
Tamilnadu Electricity Board/TANGEDCO
Thiruvannamalai – 606 604.
Thiruvannamalai.

... Petitioner

vs.

1.The Presiding Officer
Principal Labour Court, Vellore
Vellore District.

2.M.Ramamoorthy
C/o North Arcot District General Workers Federation
No.5(18) Amirthalingasamy Sannathi Street
Kosapettai, Vellore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to pass a Writ of Certiorari, calling for the records relating to the award passed by the 1st respondent made in C.P.No.185/2013 dated 30.09.2013, quash the same.

For petitioner : Mr.K.Rajkumar

For respondents : Mr.Alagarsamy for R2
R1- Court



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ORDER

Challenging the order dated 30.09.2013 in C.P.No.185 of 2013 passed by the 1st respondent, the petitioner Corporation has filed the present Writ Petition.

2.It is the case of the 2nd respondent that he joined the services of the petitioner Corporation, on 02.11.1971 as a Daily Worker. He reached upto the post of Commercial Inspector, by way of promotion. However, he has not been promoted to the post of Foreman Grade – I, on the ground that he has been awarded with the punishment of stoppage of three annual increments with cumulative effect in the disciplinary proceedings.

3.Thus, on behalf of the 2nd respondent, North Arcot District General Workers Federation, preferred an industrial dispute before the 1st respondent in I.D.No.36 of 2010 and the same was ordered in favour of the 2nd respondent by directing the petitioner Corporation to grant promotion to the 2nd respondent with effect from 03.11.2004.

4.Since the petitioner Corporation has not acted upon the order of the



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Labour Court, the 2nd respondent preferred a computation petition in C.P.No.185 of 2013 before the 1st respondent and the same also ordered in favour of the 2nd respondent.

5.The learned counsel for the petitioner Corporation would submit that aggrieved against the order of the Labour Court in I.D.No.36 of 2010 dated 31.10.2012, the petitioner has filed a Writ Petition in W.P.No.21553 of 2014 and this Court by its order dated 17.02.2020 set aside the order made in I.D.No.36 of 2010. Relevant paragraph is extracted hereunder:-

“8.Needless to say that the ratio laid down by this Court is the law, which is not necessarily to be raised by way of pleadings as it is open to the parties to raise before this Court at any stage. In other words, a law laid down by the Court, even if not pleaded specifically, is the law which has to be applied depending upon the facts and circumstances of the case. Thus, I find that the above decision of the Apex Court relied on by the learned counsel for the second respondent is not helping the present case in any manner. Accordingly, I find that the award of the



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Labour Court cannot be sustained.

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9.Thus, the Writ Petition is allowed and the impugned award is set aside. No costs. Consequently connected miscellaneous petition is closed.”

6.Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent and perused the materials available on record.

7.In view of the submission made by the learned counsel for the petitioner and also the fact that this Court had already set aside the order made in I.D.No.36 of 2010 vide order dated 31.10.2012, the consequential order made in C.P.No.185 of 2013 dated 30.09.2013 is set aside as the award passed in the main Industrial Dispute itself has been set aside and it reached its finality. The Writ Petition stands allowed. No costs.

09.02.2023

Index :Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

Neutral citation:Yes/No

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To
The Presiding Officer
Principal Labour Court, Vellore
Vellore District.



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J.NISHA BANU, J.

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ORDER MADE IN
W.P. No.27566 of 2014

09.02.2023