



WEB COPY



W.P.No.1972 of 2024 & W.P.No.19107 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HON'BLE MS. JUSTICE R.N.MANJULA

**W.P.No.1972 of 2024 & W.P.No.19107 of 2020
and
W.M.P.No.2089 of 2024 & W.M.P.No.23679 of 2020**

The Divisional Engineer,
Highways Department,
Sugarcane Development Projects,
Beach Road,
Cuddalore – 607 001.

... Petitioner in both W.Ps

Vs.

1. P.Durai

... R1 in both the W.Ps

2. The Presiding Officer,
Labour Court,
Cuddalore -1.

... R2 in W.P.No.1972 of 2024

PRAYER in W.P.No.1972 of 2024: The Writ Petition filed under Article 226 of the Constitution of India, praying to issue the Writ of Certiorarified Mandamus, to call for the records of the second respondent in C.P.No.53 of 2012 dated 13.07.2023 to quash the same as illegal, arbitrary and non-est in the law.



W.P.No.1972 of 2024 & W.P.No.19107 of 2020

PRAYER in W.P.No.19107 of 2020: The Writ Petition filed under Article 226 of the Constitution of India, praying to issue the Writ of Certiorarified Mandamus, calling for the records relating to the order dated 18.11.2019 made in C.P.No.41 of 2014 on the file of the Labour Court, Cuddalore to quash the same.

For Petitioner : M/s.M.Jayanthi, AGP

For R1 : No appearance
R2 : Labour Court

ORDER

The petitioner-Highways Department has filed these writ petitions challenging the orders of the Labour Court, Cuddalore made in C.P.No.41 of 2014 dated 18.11.2019 and C.P.No.53 of 2012 dated 13.07.2023.

2. The first respondent/workman had already raised an Industrial Dispute in I.D.No.592 of 1992 on the file of the Labour Court, Cuddalore and he has also got an Award directing the petitioner to reinstate the first respondent and to pay 50% of back wages. Consequently, the first respondent has filed C.P.No.41 of 2014 on the file of the Labour Court, Cuddalore and an Award has also been passed in



3. The petitioner has filed yet another writ petition in W.P.No.118/99 against the order of the second respondent dated 12.05.1998 in No.592 of 1992. This Court vide order dated 08.02.2006 dismissed the writ petition.

4. Since the Award has been passed in both C.P.No.53 of 2012 and C.P.No.41 of 2014, which is consequential to the pre-existing right of the petitioner-Highways Department, the Labour Court has also rightly calculated the same and passed the Award, and hence it is unreasonable for the petitioner-Highway Department to object the same.



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5. In view of the abovesaid reasons, both the writ petitions are dismissed. No costs. Consequently connected miscellaneous petitions are also dismissed.

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R.N.MANJULA , J

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