



W.P.Nos.26730 of 2009 and 2862 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.26730 of 2009 and 2862 of 2010
& M.P.Nos.1 of 2009 and 1 of 2010

W.P.No.26730 of 2009:

The Commissioner
Edappady Municipality
Edappady
Sankari Taluk
Salem District.

... Petitioner

Vs.

1.The Labour Court
Salem.

2.Ko.Anbumathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order of the 1st respondent passed in I.D.No.212 of 2006 dated 29.06.2009 and quash the same.



W.P.Nos.26730 of 2009 and 2862 of 2010

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For Petitioner : Mr.P.P.Shanmugasundaram

For Respondents : Mr.B.Singaravelan for R2

W.P.No.2862 of 2010:

G.Anbumathi

... Petitioner

Vs.

1.The Labour Court
Salem.

2.The Commissioner
Edappady Municipality
Edappady
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the award of the 1st respondent passed in I.D.No.212 of 2006 dated 29.06.2009 and quash the same as far as the rejection of the petitioner's claim of reinstatement with continuity of service and direct the 2nd respondent to reinstate the petitioner with continuity of service.

For Petitioner : Mr.B.Singaravelan

For Respondents : Mr.P.P.Shanmugasundaram for R2



W.P.Nos.26730 of 2009 and 2862 of 2010

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COMMON ORDER

These Writ Petitions are filed challenging the award passed by the Labour Court in I.D.No.212 of 2006 dated 26.09.2009.

2. When the matters came up for hearing, the learned counsel for the 2nd respondent in W.P. No. 26730 of 2009 submitted that, apart from the 2nd respondent, six other persons were also terminated from service. However, pending the disposal of this writ petition, and in view of the directions given in their respective I.D. Awards, one of the employees has submitted an undertaking stating that, in the event of his reappointment by the respondent-Municipality, he will forego the back wages as per the award of the Labour Court. The 2nd respondent in the present Writ Petition, viz., *Anbumathi* also submitted similar letter dated 16.08.2010. In view thereof, by the recommendation of the Appointments Committee dated 06.10.2010, the 2nd respondent was also granted regular employment in the Municipality and he joined service and has also retired from service as of now.



W.P.Nos.26730 of 2009 and 2862 of 2010

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3. In view thereof, nothing survives to be adjudicated as to the correctness or otherwise of the award in I.D.No.212 of 2006 dated 29.06.2009. However, in view of the conditional order passed by the Labour Court, the Municipality has deposited the entire amount of compensation, to the credit of the ID. Needless to state that the respondent - Municipality will be entitled for refund of the said amount along with the accrued interest, if any. Upon production of the copy of this order along with a memo, the concerned Court shall issue cheque in the name of the Commissioner and recall the amount, if it is lying in any other deposit, without any further formal application.

4. With the above direction the W.P.No.26730 of 2009 stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

5. The Workman *Anbumathi* had also challenged the self same award. Inasmuch as his prayer for reinstatement is negatived by way of



W.P.Nos.26730 of 2009 and 2862 of 2010

W.P.No.26730 of 2009, for the aforementioned reasons, the Writ Petition filed by the said petitioner is dismissed as having become infructuous.

6. In the result, the W.P.No.2862 of 2010 stands dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

05.11.2024

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Neutral Citation: No

To

1.The Labour Court
Salem.
2.The Commissioner
Edappady Municipality
Edappady
Sankari Taluk
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W.P.Nos.26730 of 2009 and 2862 of 2010

D.BHARATHA CHAKRAVARTHY, J.,

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W.P.Nos.26730 of 2009 and 2862 of 2010
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05.11.2024