



W.P.No.3464 of 2015

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

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

W.P.No.3464 of 2015

and

M.P.No.1 of 2015

The Management, M/s.Thambi
Modern Spinning Mill,
Unit II, Kamaraj Nagar Colony,
Udaiyapatti, Salem-14.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Salem.

2.Mr.V.Rajendran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue the Writ of Certiorari, calling for the records of the first respondent in its award in I.D.No.107 of 2009 dated 19.12.2013 and to quash the same.

For Petitioner	: Mr.P.Nehru
For R1	: Ms.M.Jayanthi, AGP
For R2	: Mr.K.V.Shanmuganathan



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ORDER

The Writ Petition has been filed to call for the records of the first respondent in Award dated 19.12.2013 passed in I.D.No.107 of 2009 and quash the same.

2. The learned counsel for the petitioner management submitted that the Award of the Labour Court, Salem dated 19.12.2013 passed in I.D.No.107 of 2009 has been complied with by paying the backwages to the second respondent till the company was closed and hence, nothing further survives for consideration in this writ petition.

3. It is submitted by the learned counsel for the second respondent that the second respondent is no more.

4. In such a case, the relief of reinstatement itself loses its significance. So far, the second respondent has also not claimed any backwages. Further, the award passed by the Labour Court has been



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WEB COM complied with by the petitioner/Management except the reinstatement.

The only relief which is pending to be complied with, is the reinstatement and the death of the second respondent would make the above relief infructuous. Further, learned counsel for the petitioner/Management also could not get any instructions as to whether the second respondent is alive or not.

5. In such circumstances, the order of reinstatement cannot be complied with. The petitioner's company has been closed and they have complied with the award passed by the first respondent in respect of payment of 25% of the backwages. As already observed above, the other relief with regard to reinstatement has become infructuous due to the death of the second respondent.

6. Therefore, this Court is of the considered view that nothing remains for further consideration in this writ petition. Further, adverse order affecting the award cannot be passed in the absence of the second respondent. Hence, there can be no interference with the award passed



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by the first respondent, Hence, the Award passed by the Labour Court, Salem, is confirmed.

7. Learned counsel for the petitioner/Management submitted that even before this Writ Petition was filed by the Management, the petitioner/Management has paid a sum of Rs.43,108/- by way of cheque dated 03.06.2014 bearing No.086209 drawn on State Bank of India. To buttress the said submission, the learned counsel for the petitioner/Management has produced before this Court, a copy of the memo dated 03.03.2015 filed by the petitioner/Management before the Labour Court, Salem.

8. The learned counsel for the petitioner/Management further submitted that in addition to the aforesaid payment made to the respondent/workman, pursuant to the order dated 11.02.2015 passed by this Court in this writ petition while granting an order of interim stay, the petitioner/Management has deposited some more amount to the credit of I.D.No.107 of 2009 on the file of the Labour Court, Salem. However, the



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learned counsel for the petitioner/Management has not produced any material before this Court to that effect. But, on that score, the aforesaid submission of the learned counsel for the petitioner/Management cannot be simply brushed aside. Hence, if the aforesaid submission of the learned counsel for the petitioner /Management is true, the Labour Court, Salem is directed to refund the excess amount if any, deposited by the petitioner/Management.

9. With the abovesaid direction, the writ petition is disposed of. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

19.09.2024

To
The Presiding Officer,
Labour Court, Salem.

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R.N.MANJULA , J

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and M.P.No.1 of 2015**

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