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W.P.No.28041 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.28041 of 2014
and M.P.No.1 of 2014

The Commissioner,
Edappady Municipality,
Edappady,
Sankari Taluk,
Salem District.

... Petitioner

-VS-

1.The Presiding Officer,
The Labour Court,
Salem.

2.A.Venkatesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records pertaining to the impugned order of the 1st respondent passed in I.D.No.147 of 2009 dated 08.05.2013, and quash the same.

For petitioner : Mr.P.P.Shanmugasundaram

For R2 : Mrs.G.Devi

R1 : Court

ORDER



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Challenging the award passed by the Labour Court, Salem, the Commissioner, Edappady Municipality, Salem, is before this Court.

2. The second respondent was appointed on daily wages basis on 08.07.1993, for the maintenance and distribution of drinking water. The appointment was a temporary one. The second respondent was paid wages till 18.10.1994, for the days he worked and was not paid for the days when he did not attend the work. He was appointed on the basis of “No work, No pay” Scheme.

3. Thereafter, on 21.10.1994, the second respondent and others were terminated from service. The second respondent and other similarly placed persons had approached this Court by filing a writ petition in W.P.No.18519 of 1994 seeking a mandamus to regularize their services. Taking note of the admitted fact that the petitioners therein were not in service after 21.04.1995, this Court, by an order dated 04.02.2002, held that there is no question of regularisation and ultimately, dismissed the writ petition giving them



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liberty to approach the Labour Court, Salem, for reinstatement of their services.

4. Accordingly, the second respondent had approached the Labour Court, Salem, seeking to set aside his dismissal order dated 21.10.1994 and for reinstatement with continuity of service and backwages along with attendant benefits. Ultimately, by an award dated 08.05.2013 in I.D.No.147 of 2009, the dismissal order of the second respondent was set aside and the petitioner herein was directed to reinstate the second respondent in time scale of pay and to pay 40% of the backwages.

5. Challenging this award, the petitioner is before this Court.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. It has been brought to the notice of this Court that with reference to the awards passed in the connected matters, the awards have been given effect to and it is only the second respondent who has been singled out by not being reinstated by the petitioner.

8. In these circumstances, there are no merits in the writ petition filed by the petitioner who has already given effect to the awards passed in the similar I.Ds.

Accordingly, this writ petition stands dismissed. Consequently, connected M.P. stands closed. No costs.

27.06.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

1.The Presiding Officer,
The Labour Court,
Salem.



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P.T.ASHA, J.,

ssa

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