

W.P.No.8998 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

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RESERVED ON : 25.03.2025
PRONOUNCED ON : 23.04.2025

PRESENT:

THE HON'BLE DR. JUSTICE A.D. MARIA CLETE

W.P.No.8998 of 2020
and
W.M.P.No. 10940 of 2020

1. Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation,
Mettur Electricity Distribution Circle,
Mettur Dam.

2. Chief Engineer (Distribution)
Erode Region,
Tamil Nadu Generation and
Distribution Corporation,
Mettur Road, Erode – 9.

.... Petitioners

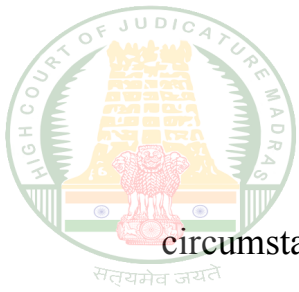
Vs.

Tmt. R.M.Bharathi,
W/o. Ravichandran,
48 T, Kailasampalayam Post,
Thiruchengodu,
Namakkal District – 637203

.... Respondent

Prayer in W.P.

To issue a Writ of Certiorari calling for the records of the Labour Court, Salem in I.D.No.166/2010 and quash its award dated 25.10.2016 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the



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circumstances of the case.

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Prayer in WMP :

To grant interim stay of operation of award of the Labour Court, Salem dated 25.10.2016 in ID No.166/2010 pending disposal of the Writ Petition and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Appearance of Parties

For Petitioners : Mr.Anand Gopalan, Advocate
For T.S.Gopalan & Co., Advocates.

For Respondent : No appearance.

JUDGMENT

Heard.

2. The writ petition has been filed by the Superintending Engineer, TANGEDCO, Mettur, and the Chief Engineer (Distribution), TANGEDCO, Mettur, challenging the award dated 25.10.2016 passed by the Labour Court, Salem in I.D.No.166 of 2010. By the impugned award, the Labour Court set aside the order of dismissal dated 26.03.2007 and directed reinstatement of the workman with 75% back wages along with all attendant benefits. The Labour Court further directed that the award be implemented within a period of three



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months from the date of its passing.

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3. When the writ petition was taken up for hearing on 10.07.2020, this Court, on a prima facie consideration, was of the view that the Labour Court had exceeded its jurisdiction. However, the following interim order was passed:

“Having regard to the aforesaid submission made, the matter requires examination. There shall be an order of interim stay of the impugned award till the next hearing on condition that the Petitioner shall invest the amount of backwages in terms of the impugned order passed by the Labour Court till the date of filing of the Writ Petition, in an interest fetching Fixed Deposit in the name of the Presiding Officer, Labour Court, Salem, in any Nationalized Bank in Salem initially for a period of one year and renewable automatically for the same period from time to time and hand over the original Fixed Deposit receipt to the Labour Court, Salem, under written acknowledgment by 07.08.2020. The proof of such compliance made shall be filed before this Court, before the next hearing.”

4. The Petitioner filed a memo dated 12.08.2020 seeking extension of time to comply with the order of deposit. Accordingly, by order dated 13.08.2020, this Court granted extension of time till 20.08.2020. Thereafter, the learned counsel for the Petitioner filed a memo dated 24.08.2020 informing the Court that a sum of Rs.10,51,357/-, representing the back wages, had been deposited on 18.08.2020 in the form of a fixed deposit with the State Bank of India for a period of one year, and that the deposit receipt had been produced before the



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Labour Court, Salem. In view of the above, when the matter was taken up on

26.08.2020, this Court recorded the said compliance and continued the interim stay until further orders.

5. When the writ petition was listed on 05.03.2025, this Court directed issuance of a fresh notice to the Respondent. Pursuant thereto, the learned counsel for the Petitioner caused a private notice dated 06.03.2025 to be served on the Respondent, which was duly received by the Respondent on 11.03.2025, as evidenced by the acknowledgment card. An affidavit of service dated 14.03.2025 was also filed by the counsel for the Petitioner. Notwithstanding the above, the Respondent has neither entered appearance in person nor through counsel.

6. When the matter was taken up for final disposal on 25.03.2025, the learned counsel for the Petitioner filed the following memo:

“The above Writ Petition has been filed challenging the award of the Labour Court dated 25.10.2016. The Respondent workman has been served with notice and has not appeared. The Respondent has not approached the petitioner for any relief in terms of the interim award nor has filed any computation petition.

In these circumstances the Petitioner craves leave of this Hon'ble Court to withdraw the Writ Petition with liberty to



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restore if the Respondent workmen were to claim any benefits in terms of the award. Consequently, the Petitioner may be permitted to withdraw the amount deposited before the Labour Court pursuant to the interim orders of this court.”

7. In light of the memo filed on behalf of the Petitioner, the writ petition is disposed of on the following terms:

1.The writ petition is dismissed as withdrawn. However, this court is not inclined to grant any liberty since the matter could have been argued in the absence of the workman especially when the matter is five years old.

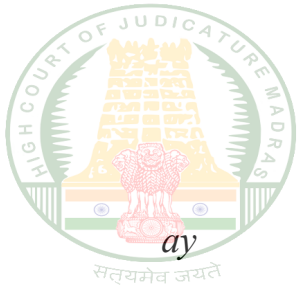
2.In view of the dismissal of the writ petition, the Petitioner is at liberty to withdraw the amount lying in deposit with the Labour Court, Salem. This is without prejudice to the workman to claim the benefit of the award in view of the dismissal of the W.P.

3.The Labour Court, Salem is directed to permit the Petitioner to withdraw the amount lying in deposit with the court.

4.Since no rule nisi was issued on the W.P., and only a notice was issued on the W.P. and only the private notice was received by the Respondent, a copy of this order shall be sent to the Respondent by the Registry without any folio charges.

8. Accordingly, the writ petition stands dismissed in terms of the above. Consequently, the connected miscellaneous petition is also dismissed. There shall be no order as to costs.

23.04.2025



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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

DR. A.D. MARIA CLETE, J

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To

1. The Presiding Officer,
Labour Court, Salem
2. Tmt. R.M.Bharathi,
W/o. Ravichandran,
48 T, Kailasampalayam Post,
Thiruchengodu,
Namakkal District – 637203

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