



W.P.No.29668 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.29668 of 2018
and W.M.P.No.34630 of 2018**

The Executive Officer,
Jambai Town Panchayat,
Jambai, Bhavani Taluk,
Erode District.

... Petitioner

Vs.

1.P.Kuppan

2.The Presiding Officer,
Labour Court, Salem.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records culminating in (i) the Ex-parte Award dated 18.04.2007 made in I.D.No.145/2006; (ii) the order dated 08.01.2010 made in I.A.No.144/2007 in I.D.No.145/2006; and (iii) the orders dated 14.09.2018 & 12.10.2018 made in R.E.P.No.198/2015 in I.D.No.145/2006; all orders passed by the second respondent and quash the same.



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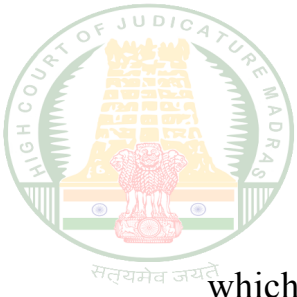
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For Petitioner : Mr.G.Rajesh
for Mr.V.Jaisankar
For Respondents : Mr.S.V.Navin Prabhu
for Mr.K.V.Shanmuganathan for R1
R2-Labour Court.

ORDER

This Writ Petition has been filed challenging the *ex-parte* award dated 18.04.2007 made in I.D.No.145 of 2006 and the order dated 08.01.2010 made in I.A.No.144 of 2007 in I.D.No.145 of 2006 and the consequential orders dated 14.09.2018 and 12.10.2018 made in R.E.P.No.198 of 2015 in I.D.No.145 of 2006 by the second respondent.

2. The learned counsel appearing for the petitioner submits that the first respondent was temporarily appointed as Sanitary Worker in the petitioner Panchayat Union and due to lackness in discharging the duty, he was suspended and issued charge memo. Thereafter, enquiry was conducted and based on the enquiry report, he was dismissed from service, against



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which, the first respondent raised Industrial Dispute before the second respondent and the second respondent has passed *ex-parte* award on 18.04.2007 directing the petitioner to reinstate the first respondent into service with continuity of service and other attendant benefits, against which, the petitioner/Executive Officer of Jambai Town Panchayat, Jambai, has filed I.A.No.144 of 2007 in I.D.No.145 of 2006 seeking to condone the delay of 99 days in filing the petition to set aside the ex-parte award, however, it was dismissed on the ground that the petition has not been filed within a stipulated time. Thereafter, the first respondent had filed R.E.P.No.198 of 2015 in I.D.No.145 of 2006 before the second respondent claiming Rs.15,08,000/- and to arrest the President of Jambai Town Panchayat Council and the second respondent, vide order dated 14.09.2018 ordered to arrest the Executive Officer of the Jambai Town Panchayat/petitioner herein. Challenging the same, this writ petition has been filed.



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3. When the matter is taken up for hearing today, it is brought to the notice of this Court by the learned counsel appearing for the petitioner that during the pendency of the writ petition, the first respondent died and in his place, the petitioner Panchayat Union has decided to give compassionate appointment to his son. The first respondent's son is also inclined to withdraw the execution proceedings before the Labour Court and the learned counsel appearing for the first respondent has also made an endorsement to that effect.

4. In view of the above settlement arrived in between the parties, nothing survives for adjudication in this writ petition. Accordingly, this Writ Petition is dismissed as infructuous. There shall be no order as to costs. Connected miscellaneous petition is closed.

26.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To
The Presiding Officer,
Labour Court, Salem.



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M.DHANDAPANI, J.

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