



W.A.(MD) No.912 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A.(MD) No.912 of 2020
and
C.M.P(MD) No.4957 of 2020**

Commissioner
Panchayat Union
Kannankodi
Devakottai Taluk
Sivagangai District.

... Appellant/
2nd Respondent

-VS-

- 1.A.Sornam (Died)
2. The Authority of the Government of Tamil Nadu
Rep. by the Secretary Labour and Employment Department
Fort St.George, Chennai – 600 009.
- 3.Tamil Nadu Water Supply and Drainage (TWAD) Board
Represented by the Executive Engineer
Weekly Market Road, Indian Bank Upstairs



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WEB COPY Sivagangai.

4.Rajalakshmi

5.Balamurugan

6.Mahalingam

7.Malathi

8.Minerva Devi

... Respondents

[R4 to R8 substituted vide order of this
Court dated 03.09.2025 in CMP (MD)
No.7636 of 2025]

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 27.07.2020, passed in W.P.(MD) No. 6782 of 2017, on the file of this Court.

For Appellants : Mr.Periyakaruppan

For R1 & R3 : Mr.Y.Arulanandasamy

For R2 : Mr.S.R.A.Ramachandran
Addl. Government Pleader

J U D G M E N T

[Judgment of the Court was made by C.V.KARTHIKEYAN, J.]

The writ appeal has been filed by the second respondent in W.P.(MD)
No.6782 of 2017, the Commissioner, Panchayat Union, Kannangudi, Devakottai
Taluk, Sivagangai District, aggrieved by the directions issued by the learned
Single Judge in the order in the writ petition by order dated 28.03.2018 wherein, a



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direction was given on the basis of a representation given by the writ petitioner on 29.09.2017, to take appropriate action against the appellant/second respondent in the writ petition/Commissioner, Panchayat Union.

2. Necessity to lodge a complaint by the writ petitioner arose since an award had been passed by the Labour Court, Madurai in I.D.No.44 of 2015 by award dated 19.01.2015 wherein, the writ petitioner who had been dismissed from service had been directed to be reinstated with backwages. The writ petitioner had also filed a claim petition in C.P.No.49 of 2015 under Section 33(C)(2) of the Industrial Disputes Act, 1947. The amount payable or receivable by the writ petitioner was about Rupees Two Lakhs and odd. A Lok Adalat had been conducted in the very same Labour Court and till that particular date, the amount was determined as Rupees One Lakh, which the writ petitioner had also received but however, he was not reinstated to the service. Complaining that he had been deliberately not reinstated owing to the act of omission by the Commissioner, Panchayat Union, Kannangudi, Devakottai Taluk, Sivagangai District, the writ petitioner had lodged a complaint on 29.09.2017 seeking to prosecute him. By the order in the writ petition, such permission was granted.



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Subsequently, the Government had also passed G.O.(D) No.535, Labour and Employment (B1) Department, dated 26.09.2019 under Section 34(1) of Industrial Disputes Act, 1947, to prosecute under Section 29 of I.D.Act, 1947, the Commissioner, Panchayat Union, Kannangudi, Devakottai Taluk, Sivagangai District, and the individual R.Ramesh, who was the Commissioner, Panchayat Union, Kannangudi. The Assistant Commissioner of Labour, Sivagangai was also directed to file a complaint before the Judicial Magistrate at Devakottai under Section 29 of I.D.Act, 1947 and report the result of the prosecution to the Government and the Commissioner of Labour. It is thus seen that the order of the learned Single Judge had been put into effect by passing of the aforementioned Government Order dated 26.09.2019. The second respondent in the writ petition should have challenged this particular Government Order. However, he had not challenged this Government Order. The fact that the Government Order had been passed had also not been disclosed in the grounds raised in the writ appeal. The writ appeal had been presented before the Registry on 25.10.2019, after the passing of the Government Order.



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3. We are informed that subsequent to a complaint filed as directed in the aforementioned Government Order, the complaint had also been taken cognizance by the Judicial Magistrate, Devakottai in S.T.C.No.434 of 2019. The appellants have to necessarily participate in the said proceedings if it is still pending. Since the direction of the learned Single Judge had been complied with in its entirety and that particular Government Order had not been challenged and not actually been disclosed in the grounds in the writ appeal, and the present status of S.T.C.No.434 of 2019 had also not been disclosed by the appellant before us, we find that there are no grounds to interfere with the order of the learned Single Judge, as the writ appeal has now become infructuous and therefore, the writ appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[C.V.K., J.]

[R.V., J.]

03.09.2025

NCC : Yes / No

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Index : Yes / No

Internet : Yes / No

PKN

**Note: Before issuing the order copy,
necessary amendment will be carried**

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out indicating the death of the respondent, A.Sornam, and bringing on record his legal representatives being substituted in CMP(MD) No.7636 of 2025.



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