



W.P.(MD) No.8977 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8977 of 2016
and
W.M.P.(MD) No.7152 of 2016

1.The Divisional Forest Officer
Social Forestry Division
Ramanathapuram

2.The Conservator of Forests
Social Forestry Division
Near Collectorate Premises
Sathur Road
Virudhunagar
Virudhunagar District

... Petitioners

-vs-

1.A.Govintharaj

2.The Labour Court
Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the impugned order dated 16.09.2025, passed by the second respondent in I.D.No.14 of 2011 and quash the same.



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For Petitioners : Mr.F.Deepak
Special Government Pleader

For Respondents : No appearance for R1
R2 – Court

ORDER

This writ petition has been filed challenging the order dated 16.09.2015, passed in I.D.No.14 of 2011, on the file of the Presiding Officer, Labour Court, Madurai.

2. The said industrial dispute was filed by the first respondent herein challenging the order of retrenchment / termination alleged to have been passed by the petitioners herein and claiming reinstatement with continuity of service, backwages and attendant benefits.

3. The said industrial dispute was disposed of by the second respondent by the impugned order directing the petitioners to pay 50% of backwages to the first respondent within three months from the date of receipt of a copy of the said order, while rejecting the other claims, including reinstatement into service etc.



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4. Aggrieved by the direction issued by the second respondent directing the petitioners to pay 50% of backwages to the first respondent, the present writ petition has been filed.

5. When the matter was taken up for consideration on 14.02.2025, it was brought to the notice of this Court by the learned Special Government Pleader appearing for the petitioners that the first respondent has been prosecuting various proceedings simultaneously and along with certain others, he also filed W.P.No.4028 of 2018 before this Court and this Court, by an order dated 02.03.2018, directed for regularization of the service of the first respondent on par with his juniors and accordingly, the service of the first respondent was regularized with retrospective effect from 1995 and accordingly, the first respondent has also retired from service and he is also being paid pension. Thus, it is contended that the entire service of the first respondent was regularized and he was extended all the service benefits and therefore, the first respondent is not entitled for the relief as was granted by the impugned order passed by the Labour Court.



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6. As there was no representation for the first respondent on 14.02.2025, the matter was adjourned to 17.02.2025. Even on 17.02.2025, there was no representation for the first respondent and hence, the matter was finally directed to be listed today under the caption “for orders”. Today also there is no representation for the first respondent.

7. In the light of the above, this Court has no other option except to pass appropriate orders based on the available records and considering the submissions made by the learned Special Government Pleader appearing for the petitioners.

8. This Court has carefully gone through the order, dated 02.03.2018, passed by this Court in W.P.No.4028 of 2018 and the other proceedings that are placed before this Court by the learned Special Government Pleader appearing for the petitioners.

9. From the materials available on record, it is evident that the service of the first respondent was already regularized with effect from 24.01.1995 notionally and his pay was also fixed and he was also retired from service on attaining the age of superannuation.



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10. In the light of the above, it is evident that the first respondent is already extended all the service benefits in terms of the order passed by this Court and therefore, he cannot be said to be entitled for the backwages as awarded under the impugned order. Further, the first respondent, having approached this Court by filing W.P.No.4028 of 2018, suppressed about the passing of the impugned award in his favour by the Labour Court declining to grant reinstatement and obtained the benefit of regularization of his service and he is also drawing pension as on date. Hence, the first respondent, who has availed the benefit of the order of this Court, cannot be said to be entitled to make any claim under the impugned order passed by the Labour Court.

11. In the light of the above, this writ petition is allowed and the impugned order, dated 16.09.2015, passed in I.D.No.14 of 2011, on the file of the Labour Court, Madurai, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

18.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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