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W.P.No.42657 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 24/6/2026

Pronounced on: 27/7/2026

C O R A M

THE HONOURABLE Mr.JUSTICE K. SURENDER

Writ Petition No.42657 of 2025

a n d

W.M.P.No.47708 of 2025

Kaliammal @ Dhanalakshmi ... Petitioner

Vs

1. The Director

Tamil Nadu Fire and Rescue Services Department

Pudupet

Chennai 600 002.

2. The Deputy Director

Tamil Nadu Fire and Rescue Services

Egmore

Chennai 600 008.

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India
praying for the issuance of writ of certiorari to call for the records pertaining



W.P.No.42657 of 2025

to the order dated 13/9/2024 passed by the I Additional Labour Court, Chennai

in C.P.No.44 of 2023 and quash the same and consequently direct the respondents to compute and pay a sum of Rs.39,700/- towards retrenchment compensation, notice pay and pro-rata pension benefits with applicable interest to the petitioner.

For petitioner ... Ms.C.S.Rajalakshmi

For respondents ... Mr.R.Chakkaravarthy
Government Counsel

ORDER

This writ petition has been filed to quash the order dated 13/9/2024 passed by the I Additional Labour Court, Chennai in C.P.No.44 of 2023 and consequently, direct the respondents to compute and pay a sum of Rs.39,700/- towards retrenchment compensation, notice pay and pro-rata pension benefits with applicable interest to the petitioner.

2. Facts of the petitioner in a nutshell are as follows:-



W.P.No.42657 of 2025

The petitioner was employed as a Sweeper by the first

respondent/Director, Tamil Nadu Fire and Rescue Services Department, Chennai for a period of one year. Thereafter, she worked under the second respondent/Deputy Director, Tamil Nadu Fire and Rescue Services, Chennai, for nine years. She was a part time employee working for three hours per day, but no appointment order was issued by the respondents.

3. Upon Doctor advise, the petitioner was advised to take rest from 16/6/2014 to 20/6/2014, and reported to duty on 21/6/2014. But she was not allowed to work and it was found that impersonating the name of the petitioner, another woman by name Kamalammal was working in her place. Since it amounts to illegal retrenchment, the petitioner had filed a Computation Petition under Section 33 C (2) of the Industrial Disputes Act, 1947 before the I Additional Labour Court, Chennai, and claimed that the employer is liable to pay Rs.15,000/- as retrenchment compensation for 10 years of service calculated at half the rate of Rs.3,000/- p.m. of her monthly salary; 3 months notice pay, as per Section 25 N of the Industrial Disputes Act and hence entitled to Rs.9,000/- as notice pay and pro-rata pension for two months from 2/1/2023 to 2/3/2023 at minimum pension of Rs.7,850/- p.m., amounting to Rs.15,700/-.



W.P.No.42657 of 2025

4. On the basis of the said claim petition, labour Court examined the petitioner as P.W.1 and Mr.M.Kantharaj, as R.W.1, on behalf of the respondents. To substantiate the case of the petitioner, Exs.P.1 to P.12 were marked by the petitioner and no documents were placed on record by the respondents.

5. The labour Court found that there was absolutely no document which was filed to show that the petitioner served as a part time sweeper in the respondents Office. All the documents Exs.P.1 to P.12 filed by the petitioner did not prove that she was employed in the office of the respondents. However, most of the exhibits were communications sent by her. The labour Court found that no person who was employed in Government service can either be retrenched or stopped from performing duties, without following the due process of law. In the said circumstances, labour Court found that claim petition cannot be entertained.

6. The learned counsel appearing for the petitioner would submit that she is a old woman without any financial help and prayed to grant compensation of Rs.39,700/- along with pension benefits with applicable interest.



W.P.No.42657 of 2025

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7. Having gone through the record, there is absolutely no evidence to substantiate that she was employed by the respondents. In the absence of any such document or proof, the question of showing sympathy to grant retrenchment compensation cannot be entertained.

8. In the result, this **writ petition is dismissed.** No costs.
Consequently, connected Miscellaneous Petition is closed.

(K.SURENDER,J)

27/7/2026

mvs.

Index: Yes

Neutral Citation: Yes

To:

1. The Director

Tamil Nadu Fire and Rescue Services Department
Pudupet
Chennai 600 002.

2. The Deputy Director

Tamil Nadu Fire and Rescue Services
Egmore
Chennai 600 008.

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W.P.No.42657 of 2025

K.SURENDER, J

mvs.

Pre-delivery order made in
Writ Petition No.42657 of 2025

27/7/2026