



W.P(MD)No.23817 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.23817 of 2022

1.D.Mariamamma

2.B.Rajeswari

... Petitioner(s)

vs.

The President,
Family Planning Association of India,
Dindigul Branch,
Plot Nos,69 and 70, FPAI Bhavan,
A.K.M.G Nagar,
Karur Road, Opposite Beschi College,
Dindigul-624 001.

... Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the Labour Court, Trichirappalli, leading to common award dated 12.10.2021 in I.D.Nos.51 and 52 of 2013 and quash the award passed therein directing the respondent to reinstate the petitioners with continuity of service and full backwages and other attendant benefits.



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For Petitioners

: Mr.G.M.Xavier

For Respondent

: Mr.M.Mohamed Zamil,
for M/s.Ajmal Associates

ORDER

This writ petition has been filed challenging the common award dated 12.10.2021 passed in I.D. Nos.51 and 52 of 2013 and consequently seeking a direction to the respondent to reinstate the petitioners into service with continuity of service, full back wages and all other attendant benefits.

2. The learned counsel appearing for the petitioners submitted that the first petitioner joined the services of the respondent-Family Planning Association in the year 2001 as a Lab Technician and the second petitioner joined the services of the respondent in the year 1994 as an Ayah and was subsequently promoted as a Field Worker. At the time of their appointment, they were drawing salaries of Rs.3,836/- and Rs.3,700/- per month respectively. According to the learned counsel, when the petitioners reported for duty on 01.03.2013, the Branch Manager of the respondent Association, Mr. V.G. Saravanan, terminated their services abruptly without assigning any reason or issuing any prior notice.



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Aggrieved by the same, the petitioners raised an industrial dispute under Section 2-A of the Industrial Disputes Act before the Conciliation Officer. Since the conciliation proceedings ended in failure, a failure report dated 31.05.2013 was issued. Thereafter, the disputes were referred to the Labour Court, Trichirappalli, and were taken on file as I.D. Nos.51 and 52 of 2013. Upon adjudication, the Labour Court, by its common award dated 12.10.2021, dismissed both the industrial disputes. Challenging the said common award, the present writ petition has been filed.

3. The learned counsel for the petitioners further submitted that the petitioners had rendered more than ten years of continuous service as Lab Technician and Ayah/Field Worker respectively. Their services were terminated abruptly without complying with the mandatory requirements under Section 25-F of the Industrial Disputes Act. According to him, the Labour Court failed to properly appreciate the said aspect and erroneously dismissed the industrial disputes. Hence, he prayed that the impugned award be set aside and the writ petition be allowed.



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WEB COPY 4. Per contra, the learned counsel appearing for the respondent submitted that the respondent Association is a voluntary, service-oriented organisation engaged in promoting awareness among the public regarding family planning methods, contraceptive use and allied welfare activities. It is functioning solely on the basis of grants and donations received from various funding agencies and the general public and is not engaged in any commercial or profit-making activity. Therefore, the respondent Association does not fall within the definition of an "industry" under Section 2(j) of the Industrial Disputes Act. It was further contended that the petitioners do not answer the description of "workmen" under Section 2(s) of the Act. These issues were elaborately considered by the Labour Court, which, on appreciation of the oral and documentary evidence, rightly dismissed the industrial disputes. Hence, the impugned award does not warrant interference by this Court.

5. This Court has carefully considered the rival submissions and perused the materials available on record. The Labour Court has rendered a reasoned finding that the respondent Association is not an "industry" within the meaning of Section 2(j) of the Industrial Disputes Act and that the petitioners do not fall



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within the definition of "workmen" under Section 2(s) of the Act. These findings are based on the evidence available on record and do not suffer from any perversity or patent illegality warranting interference under Article 226 of the Constitution of India. Consequently, the contention regarding non-compliance with Section 25-F of the Act also does not arise for consideration.

6. In view of the above, this Court finds no merit in the writ petition. Accordingly, the common award dated 12.10.2021 passed in I.D. Nos.51 and 52 of 2013 is confirmed and the writ petition stands dismissed. No costs.

30.06.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes

TSG

To

The Labour Court, Trichirappalli.



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M.DHANDAPANI,J.

TSG

**ORDER MADE IN
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