



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.08.2015

Coram

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THE HONOURABLE MR. JUSTICE T. RAJA

WP (MD) Nos. 13789 to 13791 of 2015

K. Balraj .. Petitioner in WP (MD) No. 13789/2015
V. Mani .. Petitioner in WP (MD) No. 13790/2015
S. Ganesan .. Petitioner in WP (MD) No. 13791/2015

Vs.

1. The Presiding Officer,
Labour Court,
Tiruchirapalli.

2. The Management,
Rehabilitation Services for the
Rural Blind in Trichy District,
Joseph Eye hospital,
Melapudur, Tirichirapalli.

.. Respondents in all WPs.

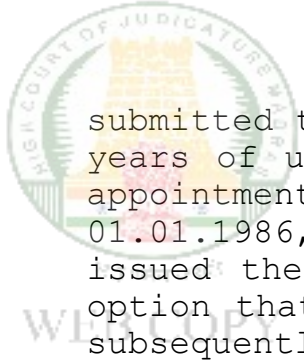
Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent and quash the impugned order dated 06.03.2014 in I.D. Nos. 148, 156 and 149 of 2003 respectively and consequently direct the second respondent to reinstate the petitioners with continuity in service with all monetary benefits.

For Petitioners : Mr. S. Deenadhayalan
(all WPs.)

COMMON ORDER

These writ petitions have been filed challenging the correctness of the award passed by the Labour Court, not only for the reasons mentioned therein, but also the approach adopted by the first respondent, Labour Court, Tiruchirapalli.

2. Learned counsel for the petitioners assailing the impugned award passed by the learned Labour Court, Tiruchirappalli, dismissing the industrial dispute raised by the petitioners



submitted that when the petitioners had rendered about 16, 17 and 20 years of uninterrupted service respectively from the date of their appointment as a field worker in the second respondent office on 01.01.1986, 22.04.1985 and 24.07.1982, the 2nd respondent wrongly issued the retrenchment notice on 12.09.2002, however, finding no option that the petitioners received compensation under protest and subsequently the trade union also sent objection to the 2nd respondent establishment requesting for settlement of the issues amicably, but all their efforts went in vain, finally, industrial dispute was raised before the Assistant Commissioner of Labour, Trichirappalli, who had sent failure report on 01.03.2003. Consequently, owing to non employment, the petitioners raised industrial dispute before the 1st respondent by filing I.D.No.148, 156 & 149 of 2003. But the Labour Court by impugned award dated 06.03.2014 wrongly rejected the petitioners' claim ignoring the fact that the petitioners have rendered uninterrupted service of 16, 17 and 20 long years in the 2nd respondent establishment.

3. Adding further, he would submit that the Labour Court has failed to appreciate that the procedure contemplated for retrenchment under Section 25(f) of the Industrial Disputes Act had not been duly followed.

4. This Court finds no merit and justification to entertain the present writ petitions hence, there is no option except to dismiss the same. The reason is that the Funding Agency providing necessary funds for execution of the project viz., extending blind mission, have been providing the funds only upto the end of 2002 and it has been informed to the Organisation in which the petitioners were working that for the subsequent period no funds will be allotted to them. Therefore, without finance, the activities of the projects could not be carried on and accordingly, the petitioners have been issued with retrenchment notice on 12.09.2002. Besides, it is an admitted case of the petitioners that they have received retrenchment compensation under protest. However, the Funding Agency has properly brought the notice to the concerned Organisation, making it clear that they have been providing funds only upto the end of 2002. Therefore, the petitioners have been refused employment. This has been properly considered in the impugned order. Therefore, this Court finds no merit in the writ petitions and therefore, the same fails and deserve dismissal.

5. Accordingly, these writ petitions are dismissed. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/



To

1.The Presiding Officer,
Labour Court,
Tiruchirapalli.

2.The Management,
Rehabilitation Services for the
Rural Blind in Trichy District,
Joseph Eye hospital,
Melapudur, Tirichirapalli.

+One cc to Mr.S.Deenadhayalan, Advocate, SR.No.43800

mj

RL/4 c- 20/8/2015

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