



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.14922 of 2016

and

W.M.P. (MD) .No.10996 of 2016

Pandiya Nadu Co-operative
Training Institute,
Through its Principal,
Tirunagar,
Madurai-625 006.

... Petitioner

Vs

1.Balakrishnan
5/202, PRC Colony,
Cyclone Colony,
Thanakkankulam,
Madurai-625 006.

2.The Presiding Officer,
Labour Court, Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the order of the Labour Court, Madurai, in I.D.No.154/2005 dated 08.05.2014, quash the same and pass such other orders as this Hon'ble Court may deem it fit and proper.

For petitioner : Mr.N.S.Karthikeyan

ORDER

Mr.Pandiya Nadu Co-operative Training Institute, represented through its Principal, Madurai, has come up with this Writ Petition, challenging the correctness of the Award passed by the Labour Court, Madurai, in I.D.No.154/2005, dated 08.05.2014, on the ground that the Labour Court, without considering the vital aspect that the first respondent was not a direct employee of the petitioner, has awarded a compensation of Rs.30,000/- (Rupees Thirty Thousand Only).



2. The case of the petitioner is that the second respondent mis-applied the provisions of Section 25(F) of the Industrial Disputes Act, 1947 to hold that the oral termination by the first respondent, dated 03.01.2005, is invalid. When the first respondent was not at all an employee of the petitioner, the Award of the Tribunal in further holding that the first respondent has already reached the age of superannuation, and in granting compensation of Rs.30,000/- is totally unwarranted. Therefore, according to the petitioner, it is a clear case for interference by this Court.

3. But, this Court is not able to find any merit in the Writ Petition, whatsoever. The reason is the Tribunal after exhaustively examining the details of the case, found that the first respondent had worked in the petitioner / Institute for more than 12 years as a part- time employee to do cleaning works. The Tribunal disbelieved the contention of the petitioner that the second respondent left the work by himself, as there was no tangible evidence against the first respondent in that regard. The labour Court also found that though it is an admitted fact that the petitioner had worked from 02.02.1992 to 03.01.2005, there was no explanation on the part of the petitioner as to why no action was taken against the first respondent for not attending the work after 03.01.2005, if orally, the petitioner was terminated from his service. It is pertinent to note that it is the specific case of the first respondent that since he insisted the petitioner to make him permanent as per the Circular issued by the District Collector in Roc.No.7899/2000 dated 20.05.2009, without passing any order, the petitioner terminated the service of the first respondent. Since the petitioner has refused to provide employment to the first respondent, the Conciliation Officer has given a Failure Report dated 13.07.2005, which culminated in the present impugned order.

3.1. Furthermore, although the first respondent had worked for more than 13 years under the petitioner, the petitioner failed to comply with the mandatory requirements as contemplated under Section 25(F) of the I.D.Act and he neither issued a one month statutory notice nor paid the salary, while so, in view of the subsequent development that the first respondent has attained the age of superannuation, the Tribunal thought it fit to award him a lumpsum compensation of Rs.30,000/-, within a period of two months from the date of receipt of the Award.

3.2. In the above circumstances, this Court hardly finds any good ground to interfere with the Award of the Labour Court, Madurai, in I.D.No.154 of 2005, dated 08.05.2014. The second respondent, after a great ordeal of legal battle fought for a
<https://hcservicescourts.in/jsp/hcservices/ServiceDetails.do?lang=en> subsequently been awarded a paltry sum of Rs.30,000/- (Rupees Thirty Thousand only), which, in my considered opinion is just and quite reasonable. Ultimately, this Court has no option



but to dismiss this Writ Petition, at the stage of admission itself.

4. In fine, this Writ Petition stands dismissed *in limine*. Since the direction of the Labour Court is way back in the year 2014 and the first respondent raised the industrial dispute in the year 2005, the petitioner is directed to pay the award amount of Rs.30,000/- (Rupees Thirty Thousand Only), as ordered by the second respondent, to the first respondent, without further loss of time, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. Balakrishnan
5/202, PRC Colony,
Cyclone Colony,
Thanakkankulam,
Madurai-625 006.

2. The Presiding Officer,
Labour Court, Madurai.
The Presiding Officer,
Labour Court, Madurai.

+ 1 CC TO MR.N.S.KARTHIKEYAN, ADVOCATE IN SR No. 44886

SSM

TE/SS-2 : 12/09/2016 : 3P/4C

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