



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 10310 of 2014

A.Gandhi

.. Petitioner

Vs.

The Correspondent,
Velammal Matriculation School,
Velammal Nagar,
Tiruppalai,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order in C.P.No.14 of 2011 dated 30.08.2012 on the file of the Presiding Officer, Labour Court, Madurai and quash the same as illegal and consequently direct the respondent to provide Rs.69,980/- under the Industrial Dispute Act, 1947 to the petitioner.

For petitioner	: Mr. R.Venkatesan
For respondent	: No appearance

O R D E R

The petitioner contended that he worked as a Driver in the respondent School and that without any reason he was disengaged. He filed a petition under Section 33 C (2) of the Industrial Dispute Act, 1947, claiming a sum of Rs.69,980/- from the respondent. The respondent filed a counter contending that all the averments made by the petitioner are false and that they never employed the petitioner. The status of the petitioner as a workman under Section 2(s) of the Industrial Dispute Act was specifically challenged. Even the claim regarding handing over of the original driving license was denied.

2. The case of the petitioner was thus denied totally, the petitioner ought to have raised a regular Industrial dispute on the ground that his non-employment in not justified. Instead he chose to file a petition under Section 33 C (2) of Industrial Dispute Act. It is intrinsically not maintainable. However some relief was given to the petitioner.



3. Therefore petitioner cannot have any legal grievance. The order passed by the Labour Court is sound. There is no reason for interfering with the same. This Writ Petition lacks merit and it stands dismissed. No costs.

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/True Copy/

Sd/-
Assistant Registrar(W)

Sub Assistant Registrar

+1cc to Mr.R.VENKATESAN, Advocate, S.R.No.50172

ORDER MADE IN
W.P. (MD) .No.10310 of 2014
20.02.2018

kmi
SH/JC/SAR-3: 02.05.2018: 2P/2C