



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) .No.11304 of 2015

K.Rajendran

...Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Trichy.

2.The Assistant Director,
Tamil Nadu Kadhi & Village Industries Board,
Ambalpuram 3rd Street,
Pudukottai.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent Labour Court relating to the impugned order dated 27.09.2012 in C.P.No.28 of 2003, quash the same and consequently to direct the second respondent to pay the petitioner Rs,4,66,138/- towards arrears of wages and earned leave wages for the period from 23.11.1980 to 31.03.2003 with 16% interest per annum and award cost.

For Petitioner	: Mr.S.Arunachalam
For R1	: Labour Court
For R2	: Mr.G.Karnan

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed in the second respondent Board, since 01.08.1979, he was working as a Mixeror in his Soap unit. The petitioner along with others sought conferment of permanent status. The Authority constituted under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status of Workman) Act, 1981 passed an order in favour of the workmen which included the petitioner. The same was questioned by the Board and ultimately upheld by the Hon'ble Division Bench on 23.10.2009 in W.A. Nos.662 to 664 of 2011 (Tamil Nadu Khadi and Village Industries Board by its Chief Executive Officer Vs. the Deputy Chief Inspector of Factories & others). As a result, the petitioner became entitle to get permanent status from 23.11.1980. Claiming consequential benefits, the petitioner filed a Claim Petition No.28 of 2003 before the Labour Court, Trichy. The petitioner's claim was for the period from 23.11.1980 till 31.03.2003. The Labour Court



dismissed the Claim Petition by the impugned order dated 27.09.2012. The ground assigned in the impugned order is that the petitioner was terminated from service in the year 2004 and that therefore the present Claim Petition is not maintainable.

3. Questioning the same, the employee has moved this Writ Petition. The petitioner was terminated from service only in the year 2004 and challenging the same, he had filed I.D.No.43 of 2008. The scope of the Claim Petition was restricted to the period up to 31.03.2003.

4. Challenging his subsequent non employment, the petitioner had once again raised an industrial dispute and the same appears to have been allowed in his favour.

5. Be that as it may, the period in question is prior to the cause of action that is the subject matter of I.D.No.43 of 2003. Therefore, dismissing C.P.No.28 of 2003 citing the pendency of I.D.No.43 of 2008 is clearly not justified. In fact, the cause of action for filing the Claim Petition was conferment of the order passed by the statutory authority conferring the permanent status on the petitioner which was ultimately upheld by the Hon'ble Division Bench also.

6. In this view of the matter, the order impugned in the Writ Petition stands quashed. The matter is remitted to the file of the Labour Court for fresh consideration of the Claim Petition and in accordance with law. The Labour Court shall pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands allowed accordingly. No costs.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To
The Presiding Officer,
Labour Court, Trichy.

+1cc to Mr.G.KARNAN, Advocate, SR.No.536335

+1cc to Mr.S.ARUNACHALAM, Advocate, SR.No. 56522

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