



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.03.2018
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P.(MD).Nos.11305 to 11307 of 2015
and
M.P.(MD).No1 and 1 of 2015

K.Rajendran ...Petitioner in W.P.(MD).No.11305 of 2015
P.Chinnaiya ...Petitioner in W.P.(MD).Nos.11306 of 2015
R.Shanmugam ...Petitioner in W.P.(MD).Nos.11307 of 2015
Vs.

1.The Presiding Officer,
Labour Court, Trichy.

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

...Respondents in all Petitions

Prayer in W.P.(MD).No.11305 of 2015: 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 award dated 27.09.2012 passed by the first respondent in I.D.No.43 of 2008 in so far as denying 75% back wages and other attendant benefits to the petitioner, quash the same and consequently to direct the second respondent to reinstate the petitioner in service with full back wages and continuity of service.

Prayer in W.P.(MD).No.11306 of 2015: 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 award dated 27.09.2012 passed by the first respondent in I.D.No.87 of 2010 in so far as denying 75% back wages and other attendant benefits to the petitioner, quash the same and consequently to direct the second respondent to reinstate the petitioner in service with full back and continuity of service and all other attendant benefits.

Prayer in W.P.(MD).No.11307 of 2015: 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 award dated 27.09.2012 passed by the first respondent in I.D.No.88 of 2010 in so far as denying 75% back wages and other attendant benefits to the petitioner, quash the same and consequently to direct the second respondent to reinstate the petitioner in service with full back and



continuity of service and all other attendant benefits.

For Petitioners : Mr.S.Arunachalam in all Petitions
For R1 : Labour Court in all petitions
For R2 : Mr.G.Karnan in all petitions

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COMMON ORDER

Heard the learned counsel on either side.

2.In all these three Writ Petitions, the petitioners were employees of the Unit run by the second respondent/Board. On the ground that the said units were closed, the writ petitioners were not given any employment. But the usual formalities were not followed. Therefore, I.D.s filed by the petitioners herein were rightly allowed by the Labour Court, Trichirappalli. But, while awarding the back wages, the Labour Court awarded only 25%. Contending that the entire back wages ought to have been awarded, these Writ Petitions have been filed.

3.This Court is of the view that the second respondent being a Gandhian institution, the Labour Court was justified in awarding 25% of the back wages.

4.The learned counsel for the petitioner pointed out that even the said order was not complied with. Therefore, the second respondent is directed to comply with the award passed by the Labour Court, particularly, when it was not challenged before any forum in the manner known to law.

5.With these directions, these Writ Petitions stand closed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To
The Presiding Officer,
Labour Court, Trichy.

+1CC to Mr.G.Karnan Advocate in SR.No.56336.

TSG
DS/KKR/SAR-4 :2P/3C