

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 18-09-2019
Coram
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.24782 of 2004

T.V.Sivasankaran

..

Petitioner

vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.The General Manager,
S.R.V. Mills,
Periamedu,
Coimbatore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to ID No.475 of 1999 and quash the award dated 26.11.2002 passed by the first respondent and further direct the second respondent to reinstate the petitioner in service with backwages continuity of service and all other attendant benefits.

For Petitioner : Mr.R.M.D.Nazarullah

For Respondent-1 : Labour Court

For Respondent-2 : Mr.R.Parthiban

ORDER

The Award dated 26.11.2002 passed by the Labour Court in I.D.No.475 of 1999 is under challenge in the present writ petition.

2. The writ petitioner states that he worked as a Cook in the Canteen run by the second respondent and during the relevant point of time, the writ petitioner was paid Rs.45/- per day. The allegation of the writ petitioner is that he was orally terminated from service with effect from 28.01.1997.

3. The ground raised by the writ petitioner before the Labour Court is that the order of oral termination was neither preceded by any enquiry nor any notice was issued. Thus, the second respondent had not complied with Section 25-F of the Industrial Disputes Act, 1947, before terminating the services of the writ petitioner. Consequently, the writ petitioner raised an industrial dispute in I.D.No.475 of 1999. The Labour Court considered the entire issue and accepted the case of the writ petitioner that the mandatory provisions of Section 25-F had not been complied with and in lieu of reinstatement, an amount of Rs.15,000/- towards compensation was awarded in the Award dated 26.11.2002. The writ petitioner reached the age of superannuation and that is the reason why the compensation was awarded by the Labour Court.

4. The learned counsel for the second respondent-Management made a submission that the compensation amount as awarded by the labour Court had already been settled in favour of the writ petitioner long back i.e., during the year 2003. In view of the fact that compensation amount had already been settled in favour of the writ petitioner, no further consideration is required as far as the claim of the writ petitioner is concerned.

5. The contention of the second respondent-Management was that the writ petitioner was a casual labourer and had not even completed 240 days of service. Thus, the writ petitioner is not entitled for any other benefits except the compensation as awarded by the Labour Court and the said compensation had also been settled in favour of the writ petitioner in the year 2003 itself.

6. This being the factum, the writ petitioner has not made out any ground for the enhancement of compensation and the compensation was awarded by the Labour Court in the year 2002 and the said compensation was settled in favour of the writ petitioner in the year 2003. At this length of time, no further enhancement can be granted in the present writ petition as the writ petitioner was the casual labourer and not even completed 240 days of service.

7. Accordingly, the Award of the Labour Court dated 26.11.2002 passed in I.D.No.475 of 1999 is confirmed and consequently, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

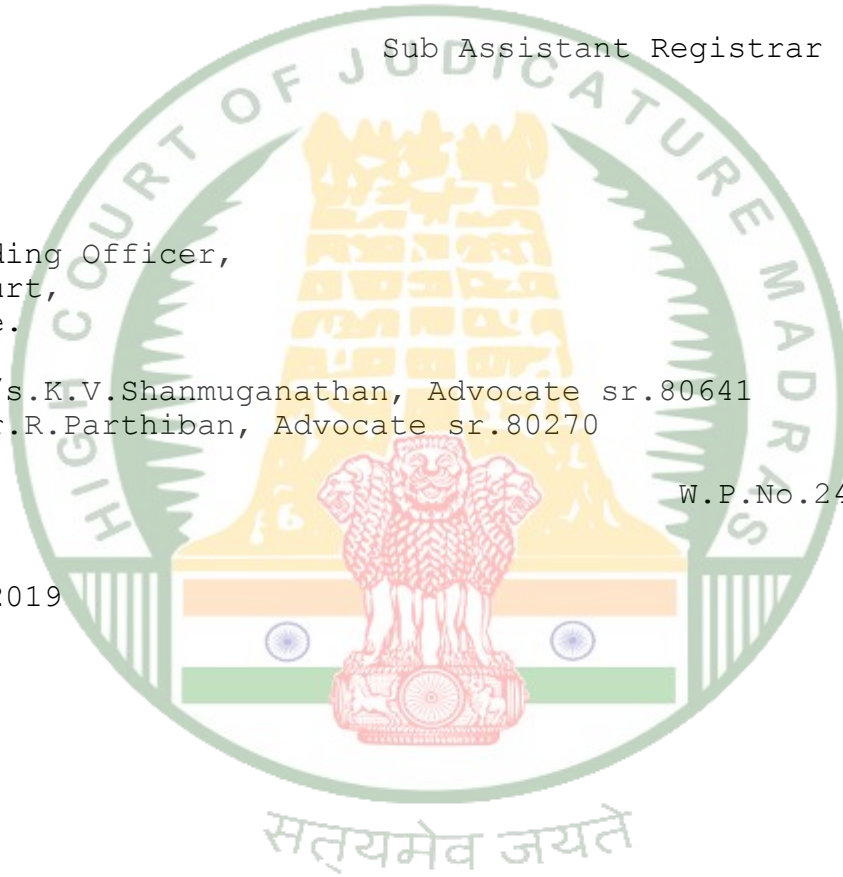
To

The Presiding Officer,
Labour Court,
Coimbatore.

+1cc to M/s.K.V.Shanmuganathan, Advocate sr.80641
+1cc to Mr.R.Parthiban, Advocate sr.80270

W.P.No.24782 of 2004

rsi(co)
nr 25/10/2019



WEB COPY