

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10980 of 2005

&

W.M.P.No.11945 of 2005

The Management,
India Printing Works,
3, South Mada Street,
Mylapore, Chennai - 600 004.Petitioner

..Vs..

1.The Presiding Officer,
Principal Labour Court,
Chennai - 600 104.

S.Bagyavathi (Deceased)

2.Selva

3.S.Balasubramani

(Respondents 2 & 3 substituted as LRs
vide memo filed in W.P.No.10980/05
dated 30.01.2013)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in C.P.No.59 of 1999 on the file of the Principal Labour Court, Chennai - 600 104 the first respondent herein and quash the final order dated 01.12.2004 passed therein.

For Petitioner : Mr.M.R.Raghavan

For Respondents : Mr.S.Pushpakaran
(for respondents 3 & 4)

ORDER

The order dated 01.12.2004 passed in C.P.No.59 of 1999 is sought to be quashed in the present writ petition.

2.The writ petitioner is the Management India Printing Works. The second respondent/workman was employed in the petitioner/ establishment and during the year 1998, she discontinued attending to work. Subsequently, the second respondent/workman filed a claim petition before the Labour Court under Section 33 c(2) of the Industrial Disputes Act seeking payment of notice pay, retrenchment compensation and leave wages. The writ petitioner/establishment filed a counter statement, stating that the second respondent did not report for duty and on her own accord, she left the service and therefore, she was not retrenched and hence, she was not entitled to notice pay or retrenchment compensation. No leave had accrued in favour of the second respondent and the benefits as such sought for cannot be granted. However, the Labour Court allowed the claim petition and directed to pay the writ petitioner/establishment a sum of Rs.50,093.50/-. On a perusal of the order passed by the Labour Court, it reveals that the second respondent served for about 6 years continuously and the length of services rendered by the second respondent was not disputed by the Management. Therefore, the Labour Court considered the Claim Petition and awarded the said amount of Rs.50,093.50/-.

3.This Court is of the considered opinion that the findings of the Labour Court is convincing and there is no infirmity as such. The writ petitioner at the time of admission of the writ petition had deposited a sum of Rs.25,000/- before the Principal Labour Court, Chennai. Under these circumstances, this Court has no hesitation in coming to the conclusion that there is no infirmity or perversity in respect of the findings of the Labour Court. Accordingly, the order dated 01.12.2004 passed in C.P.No.59/1999 is confirmed and the writ petition stands dismissed.

4.The writ petitioner/establishment is directed to pay the balance award amount of Rs.25,000/- to the second respondent, As far as the deposited amount before the Labour Court is concerned, the second respondent is at liberty to withdraw the deposited amount with accrued interest by filing appropriate application before the Labour Court. The Labour Court by identifying the second respondent, is directed to pay deposited amount with accrued interest within a period of four weeks from the date of filing of application.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

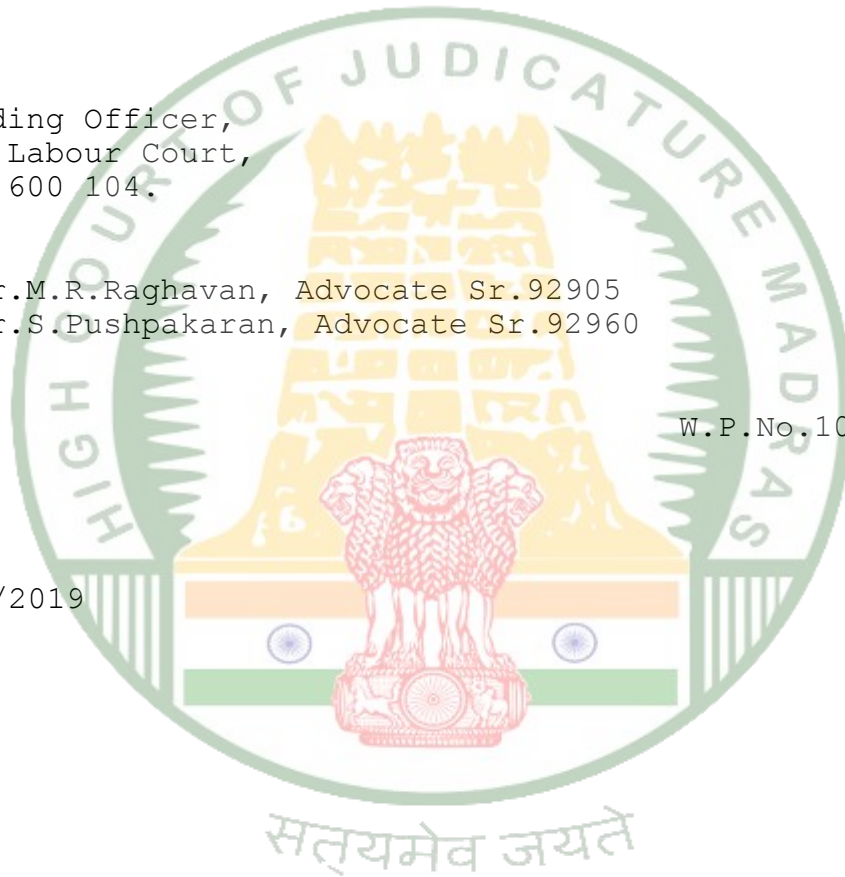
To

The Presiding Officer,
Principal Labour Court,
Chennai - 600 104.

+1cc to Mr.M.R.Raghavan, Advocate Sr.92905
+2cc to Mr.S.Pushpakaran, Advocate Sr.92960

W.P.No.10980 of 2005

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srg 13/12/2019



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