

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

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

W.P.No.20834 of 2005

The Management of Air Control and
Chemical Engineering Company Limited,
5th Floor, Lakshmi Bhavan,
609, Anna Salai,
Chennai - 600006.

...Petitioner

Vs.

1. The Presiding Officer,
Principal Labour Court,
Chennai.

2. G.Sivakumar
C/o. Victor Elango
24, Balmour Street,
Panneerselvam Nagar,
West Mambalam,
Chennai - 600033.

...Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari to
call for the records relating to the order dated 29.12.2004
made in Claim Petition No.194 of 2000 on the file of the
Principal Labour Court, Chennai, the first respondent herein
and to quash the same.

For Petitioner : Mr.T.Subramanian

For Respondents: R1 - Labour Court
R2 - Mr.K.M.Ramesh

O R D E R

The order dated 29.12.2004 made in Claim Petition No.194
of 2000 is under challenge in the present writ petition.

2. The writ petitioner is the Management of Air Control
and Chemical Engineering Company Limited. The petitioner
states that the second respondent was employed in the writ
petitioner/Company, as a casual labourer and was paid Rs.50
per day. However, the second respondent was not employed as
the permanent employee of the writ petitioner/Company. In
view of the fact that he was continuing as a casual labourer,
of appointment was issued in favour

of the second respondent. The petitioner states that the second respondent left the company abruptly without any intimation with effect from 15.04.2000 and he stopped reporting for the duty. Thereafter, the second respondent filed the Claim Petition under Section 33-C(2) of the Industrial Disputes Act. The Principal Labour Court, Chennai passed an award directing the writ petitioner/Company to pay Rs.29,140/- towards the one month notice pay, retrenchment compensation and other benefits. It is an admitted fact that no notice was issued as mandated under the provisions of the Industrial Disputes Act. In view of the fact that no notice issued along with one month salary, the Labour Court allowed the Claim Petition directing the writ petitioner to pay one month salary along with all other benefits and the total amount directed to be settled in favour of the workman is Rs.29,140/-. The Labour Court in paragraph No.9 categorically found that :-

"9. It is evident admitted case of the respondent management that the respondent management did not issue any notice or compensation to the petitioner. That itself shows that the respondent management did not follow the provisions of the I.D. Act. The petitioner claimed Rs.29,140/- under various heads. The only case of the respondent management is that the petitioner is not entitled to receive the above amount. The petitioner ought to have given notice, notice pay, retrenchment compensation etc. The respondent management has omitted to follow the provisions of the I.D. Act and the directions of the Hon'ble Supreme Court. For the reasons stated above, I hold that the petitioner is entitled to receive the amount as claimed in the Claim Petition."

3. Perusal on the findings of the Labour Court, this Court do not find any infirmity or perversity.

4. The learned counsel for the workman states that at the time of admission of the present writ petition, the entire amount was directed to be deposited before the Labour Court and accordingly, the said amount was deposited. Out of the deposited amount, the workman was permitted to withdraw 50% of the amount and the balance 50% is now lying with the Labour Court.

5. Under these circumstances, this Court is of the considered opinion that the writ petitioner has not established any acceptable ground for the purpose of setting aside the award of the Labour Court. Consequently, the award dated 29.12.2004 passed in Claim Petition No.194 of 2000 is confirmed. Consequently, the writ petition stands dismissed.

The second respondent/workman is permitted to withdraw the balance amount along with accrued interest by filing an appropriate application.

6. With these directions, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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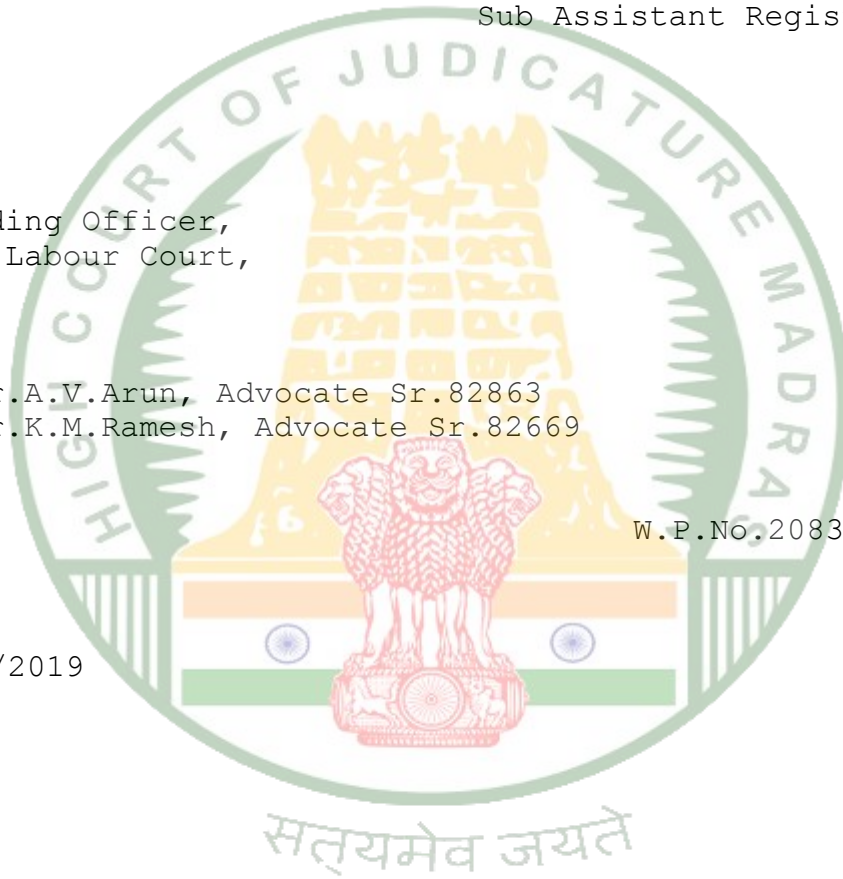
To

The Presiding Officer,
Principal Labour Court,
Chennai.

+1cc to Mr.A.V.Arun, Advocate Sr.82863
+1cc to Mr.K.M.Ramesh, Advocate Sr.82669

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pvs[col
srg 14/11/2019



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