

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.02.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO. 5512 OF 2011

AND

M.P. NO. 1 OF 2011

S.Dheenadhayalan

... Petitioner

- Vs -

1. The Tamil Nadu Veterinary &
Animal Science University
rep. By its Registrar
Madhavaram, Chennai - 59.

2. The Professor-cum-Head of Dept.
animal Bio-Technology
Veterinary Medical College
Chennai - 7.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the orders passed by the Hon'ble 3rd Addl. Labour Court, Chennai, in ID No.612 of 2002 dated 19.06.2010 and quash the same and further direct the 1st respondent to reinstate the petitioner in service with backwages and with all service, monetary and attendant benefits.

For Petitioner : Ms. V.S.Usharani

For Respondents: Mr. R.Shivakumar for
M/s.K.M.Vijayan Associates,
for RR-1 & 2

ORDER

The petitioner is before this Court challenging the award passed by the 3rd Addl. Labour Court, Chennai, in ID No.612 of 2002 dated 19.6.10.

2. Considering the materials placed before it, the Labour Court dismissed the industrial dispute on the ground that the petitioner/workman was employed in a particular project and the

project had come to an end and, therefore, his service stood terminated. The Labour Court has also given a factual finding that the petitioner had not proved that he had worked for 240 days in a year or 480 days in two years. In the absence of proof of having worked atleast for 240 days in a year, it was held that the workman was not entitled to the relief sought for. The Labour Court had held that once the project in which the workman was working had come to an end, his service, which was on co-terminus basis, had also come to an end and, therefore, the relief of reinstatement could not be acceded to. The above award, passed by the 3rd Addl. Labour Court, is under challenge in the present writ petition.

3. According to the learned counsel for the petitioner, the workman was employed by the respondent for a period of more than five years and his services were terminated unjustly and illegally and, the Labour Court, without considering the same, has dismissed the industrial dispute raised by the workman vide order dated 19.6.2010.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. A perusal of the materials available on record reveals that the Labour Court has come to a clear finding on fact that the petitioner/workman has not established with any materials to show that he had worked atleast for a period of 240 days in a year for grant of any relief. Moreover, the finding of the Labour Court was that the petitioner/workman was employed for a particular project and the project had come to an end and, therefore, his services were terminated. When an employee is appointed in a particular project, his service automatically would become co-terminus with the termination of the project.

6. In the present case, the termination of the petitioner/workman is only on the basis of the project being terminated and, therefore, the petitioner employee does not have the protection of the provisions of the Industrial Disputes Act. Moreover, the finding of the Labour Court in regard to the factual position that the petitioner/workman had not worked for a minimum period of 240 days in a year cannot be faulted with by this Court, which is exercising its extra-ordinary jurisdiction under Article 226 of the Constitution. The finding of the Labour Court in regard to the particular fact cannot be overturned, unless the same is without any material or without any evidence. Since the finding of the Labour Court is well founded, this Court is unable to accept the case as put forth by the petitioner.

7. For the reasons stated above, this Court does not find any infirmity in the award passed by the Labour court and, accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Registrar
The Tamil Nadu Veterinary &
Animal Science University
Madhavaram, Chennai - 59.
2. The Professor-cum-Head of Dept.
animal Bio-Technology
Veterinary Medical College
Chennai - 7.

+1cc to M/S.K.M.Vijayan, Associates Sr.19144
+1cc to M/S.V.S.Usharani, Advocate Sr.18069

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srg 27/03/2019

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