

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2019

CORAM

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

W.P.No.36724 of 2015

1. V.Sokku
2. M.Dhanalakshmi
3. C.Sudha
4. V.Vijaya
5. R.Meenakshi
6. C.Savithri
7. V.Thamarai
8. N.Susila
9. N.Meenakshi
- 10.K.Ponnammal
- 11.C.Sangitha
- 12.M.Pappathi
- 13.V.Pachaiammal
- 14.C.Susila
- 15.T.Parvathi

...Petitioners

vs

1. The Presiding Officer,
Labour Court,
Salem.
2. The Management of Karadiyur Estate,
Karadiyur Post,
Yercaud - 636 602.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ or order or direction in the nature of Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the Common Award passed by the First respondent dated 15.05.2014 made in I.D.Nos.341/2003, 342/2003, 343/2003, 344/2003, 345/2003, 366/2003, 368/2003, 369/2003, 371/2003, 372/2003, 373/2003, 374/2003, 375/2003, 376/2003, 380/2003 and 381/2003 and quash the same and consequently direct the second respondent herein to reinstate the petitioners herein with full backwages, continuity of service and other attendant benefits.

For Petitioners : Ms.C.S.Monica

For Respondents : R1- Labour Court
Mr.S.Ravindran, Senior Counsel
for Mr.S.Bazeer Ahamed for R2

O R D E R

The award dated 15.05.2019 passed in ID.Nos. 341 of 2003, 342 of 2003, 344 of 2003, 345 of 2003, 366 of 2003, 368 of 2003, 369 of 2003, 371 of 2003, 372 of 2003, 373 of 2003, 374 of 2003, 375 of 2003, 376 of 2003, 380 of 2003 and 381 of 2003 are under challenge in this present Writ Petition.

2. The writ petitioners state that they were working in the second respondent management for several years and they were orally terminated from the service on various dates. The claim of the petitioners was that they were working as permanent workmen in the second respondent management. The oral termination is untenable. The writ petitioners were terminated on 21.01.2013 and on 21.02.2003 respectively. Under those circumstances, they have raised industrial dispute stating that the oral termination is untenable.

3. The learned counsel appearing on behalf of the second respondent management disputed the contention made by the writ petitioners that the petitioners were not appointed on permanent basis and they were engaged as casual labourer on daily wage basis. The petitioners were engaged on need basis and daily wage payment were made by the management. Therefore the very contention that they were engaged on permanent basis is incorrect. This apart even as per the documents produced by the writ petitioners before the Labour Court made it clear that the writ petitioners have not even completed 240 days of service and the learned counsel further submitted that the writ petitioners have worked less than 240 days. Having not served even for 240 days, together with the fact that they were engaged as daily wage employee, the Labour Court declined to grant the relief of reinstatement with all other consequential benefits.

4. This Court is of the considered opinion that in the event of petitioners approaching the Court of Law, they must establish that they were appointed permanently or their services were confirmed in permanent vacancy; this apart, the writ petitioners have not completed 240 days of service for the purpose of giving permanent absorption. Under these circumstances there is no infirmity or perversity in respect of the findings made by the Labour Court and the Labour Court observed that the number of days worked by the Writ Petitioners

were less than 240 days. This being the facts and circumstances, there is no ground to interfere with the award passed by the Labour Court and accordingly the award dated 15.05.2014 passed in ID.No. s 341 of 2003, 342 of 2003, 344 of 2003, 345 of 2003, 366 of 2003, 368 of 2003, 369 of 2003, 371 of 2003, 372 of 2003, 373 of 2003, 374 of 2003, 375 of 2003, 376 of 2003, 380 of 2003 and 381 of 2003 are confirmed and Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Presiding Officer,
Labour Court,
Salem.
2. The Management of Karadiyur Estate,
Karadiyur Post,
Yercaud - 636 602.

+1cc to Mr.S.Bazeer Ahamed, Advocate, S.R.No.93251

W.P.No.36724 of 2015

PA(CO)
CS/19/12/2019

सत्यमेव जयते

WEB COPY