

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33030 of 2014

General Secretary

Tamil Nadu Anna Thotta Thozhilalar Sangam

J.J.Hotel Valagam, New Market

Valparai - 642 127, Coimbatore.

...Petitioner

vs.

1.The Presiding Officer
Labour Court
Coimbatore.

2.The Senior Manager
Lawson Tea Division
Tamil Nadu Tea Plantation Corporation Ltd.,
Cinchona Post, Valparai Taluk. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pursuant to the award on the file of the 1st respondent in I.D.No.72 of 2006 dated 31.12.2012, quash the same and consequently, directing the 2nd respondent to reinstate Mrs.Palpanadevi as typist with all other consequential benefits, continuity of service and full back wages with exemplary costs.

For Petitioner : Mr.G.B.Saravanabhavan

For Respondents : Mr.G.Anand

for M/s.T.S.Gopalan & Co, for R2

R1- Court

सत्यमेव जयते
O R D E R

The petitioner is the Union. Challenge made in this writ petition is against the award of the Labour Court, Coimbatore, dated 31.12.2012 made in I.D.No.72 of 2006.

2. The petitioner-Union raised the claim before the Labour Court against the Management is to take one Palpanadevi, a member of the petitioner-Union and post her as typist with continuity of service, backwages and other attendant benefits at the second respondent-Corporation. The Labour Court has dismissed the claim petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the second respondent.

4. It is the claim of the petitioner-Union that the said Palpanadevi was appointed as typist and she was doing the work as typist at the second respondent-Corporation from the year 1996 and therefore, she must be posted only in the post of typist with all other benefits.

5. On the other hand, it is contended by the Management that the said Palpanadevi was appointed as a General Worker and not as the typist and therefore, the claim of the petitioner-Union cannot be complied with.

6. The Labour Court found that the said Palpanadevi was appointed in a permanent post as General Worker with effect from 01.06.1999 and merely because, she extended her service as typist for some time, she cannot be given the post of typist at the second respondent-Corporation in the absence of any appointment order to that effect.

7. A careful perusal of the award passed by the Labour Court would show that it does not require any interference. It is seen that the Labour Court has considered Ex.M1, showing that the said Palpanadevi was made permanent at the second respondent-Corporation with effect from 01.06.1999 only as General Worker. Merely because, the said Palpanadevi was engaged for typing works, she cannot claim that her very appointment itself is typist in the absence of any appointment order to that effect. On the other hand, as pointed out supra, her very appointment order making her permanent with effect from 01.06.1999, marked as Ex.M1, clearly indicates that she was appointed only as General Worker.

8. The learned counsel for the second respondent-Corporation submitted that even now, the said Palpanadevi can resume her duty as General Worker at the second respondent-Corporation and not as typist.

9. When such being the factual aspects of the matter, I do not think that this Court needs to interfere with the award of the Labour Court, where I do not find any perversity therein. Accordingly, this Writ Petition fails and the same is dismissed. The dismissal of the writ petition will not preclude the said Palpanadevi to resume duty as General Worker at the second respondent within a period of two weeks from the date of receipt of a copy of this order. If she reports duty, the second

respondent will take her in the category of General Worker and extend the monetary benefits from the date of joining the duty, as it is stated that the said Palpanadevi did not attend duty from 10.02.2003. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Presiding Officer
Labour Court
Coimbatore.

2.The Senior Manager
Lawson Tea Division
Tamil Nadu Tea Plantation Corporation Ltd.,
Cinchona Post, Valparai Taluk.

+1 cc to M/s.T.S.Gopalan & Co.,Advocate Sr.No. 101975

+1 cc to M/s.G.B.Saravanabhavan,Advocate Sr.No. 102653

AKM/21.01.2020/3P-5C /

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सत्यमेव जयते
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