



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.38689 of 2004

The Director of Agriculture,
Chepauk,
Chennai 600 005.

... Petitioner

vs.

1. M.Kannan
2. The Presiding Officer,
Labour Court,
Vellore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, calling for the records relating to the order dated 08.01.2002 made in Claim Petition No.4 of 1997 on the file of the 2nd Respondent, and quash the same.

For Petitioner : Mr.L.S.M.Hasan Fizal,
Government Advocate

For 1st Respondent : No appearance

O R D E R

Seeking to quash the order dated 08.01.2002 passed by the 2nd Respondent/Labour Court in Claim Petition No.4 of 1997, the Petitioner has come up with the present Writ Petition.

2. Heard the learned counsel for the parties and perused the material documents available on record.

3. It is seen that, the 1st Respondent herein joined the services of the Petitioner/Management as temporary Night Watchman on 26.09.1973 and that, he was paid wages from and out of Contingency Fund. However, he was not given work from 14.02.1974 and from 02.08.1974, he was given work. Again, he was disengaged from 21.11.1974 for want of vacancy. He was subsequently engaged from 01.06.1975. It is stated that, the Deputy Director of Agriculture, Vellore erroneously regularized the services of the 1st Respondent with effect from 01.08.1980 in



the time scale of pay, which according to the Petitioner/Management, is erroneous.

4. According to the Petitioner/Management, only when there is no break in service, regularization could be considered, but, in any event, the Government alone is competent to pass orders and that, the 1st Respondent, being a temporary workman on daily rated basis is not entitled to claim a sum of Rs.40,000/- towards Increment and Dearness Allowance from 01.01.1985 to 01.08.1996. The Labour Court, after analyzing the evidence on record, came to the conclusion that, the Petitioner would be entitled to only a sum of Rs.15,098/- and not Rs.40,000/- as claim and directed the Petitioner/Management to deposit the said amount within a period of two months, in default, to pay interest at 6% per annum from the date of the claim till the date, the amount is paid.

5. This Court finds that, there is no perversity in the order passed by the Labour Court and that, once the employee is regularized in service, he is entitled to the monetary benefits as claimed. That apart, arrears have been claimed under different heads, which have been accepted by the Labour Court only to an extent and other claims have been rejected. As the order passed by the Labour Court is a finding of fact, this Court finds no reason to modify the same. However, taking note of Covid-19 pandemic situation, the rate of interest fixed by the Labour Court at 6% per annum is reduced to 4% from the date of the Award till the date of disbursement of the amount to the 1st Respondent.

The Writ Petition is ordered accordingly. No costs. Consequently, connected W.P.M.P.No.46239 of 2004 is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

(aeb)
To:
The Presiding Officer,
Labour Court, Vellore.

+1cc to the Government Pleader Sr.32943

W.P.No.38689 of 2004

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srg 06/08/2021