



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8780 of 2015

1. The Superintendent of Post Offices,
Ramanathapuram Division,
Ramanathapuram - 623 501.
 2. The Assistant Superintendent of Post Office,
Paramakudi Sub-Division,
Paramakudi - 623 707. ... Petitioners
- vs.
1. J.Manimegalai
 2. The Central Government Industrial Tribunal-cum-
Labour Court, Chennai. ... 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 in Award dated 24.12.2014 passed by the 2nd Respondent viz. the Central Government Industrial Tribunal cum Labour Court in I.D.No.62 of 2014, quash the same.

For Petitioners : Mr.J.Madhana Gopal Rao,
Senior Central Govt.
Standing Counsel

For 1st Respondent : Mr.R.Malaichami
For 2nd Respondent : Court

O R D E R

This Writ Petition has been filed seeking to quash the Award dated 24.12.2014 passed by the 2nd Respondent viz. the Central Government Industrial Tribunal-cum-Labour Court in I.D.No.62 of 2014.

2. It is seen that, the 1st Respondent's husband viz. Jayapandian, who was initially working as Gramin Dak Sevak Mail Deliverer/Mail Carrier in the Petitioner's Office at Thaduthalankottai Branch, was officiating as Postman of Paramakudi Head Office during the period from 01.01.2006 to 31.08.2009. During this period, Jayapandian's wife, the 1st



Respondent herein was ordered to carry out the duties of Gramin Dak Sevak and the same was approved by the Petitioner/Management. As the 1st Respondent's husband Jayapandian was promoted to the post of Postman on permanent basis w.e.f. 16.10.2009, the 1st Respondent was permitted to continue to work as Gramin Dak Sevak Mail Deliverer at Thaduthalankottai till 01.11.2012. However, it is the case of the Petitioner/Management that, the same is without permission and in any event, the 1st Respondent was employed only as a stop-gap arrangement.

3. In the process, the 1st Respondent completed 240 days of continuous service in a period of 12 calendar months and she has been divested off the duties, without complying with Section 25-F of the Industrial Disputes Act, 1947. The 2nd Respondent/Tribunal held that, the 1st Respondent was employed in a sanctioned vacant post and it was only a stop-gap arrangement.

4. It is the case of the 1st Respondent/employee that, while filling up the regular posts, she was not successful in the interview, yet, the posts were filled up by following proper recruitment process.

5. Taking note of the fact that, 1st Respondent/employee worked in the Petitioner's Office from 2006 till 2012 and that, from 16.10.2009, she was engaged by the Sub-Divisional Head as is evident from the material documents, and considering that, the 1st Respondent is a 'workman' within the meaning of Section 2 (s) of the Industrial Disputes Act, 1947, the Labour Court awarded a sum of Rs.1,00,000/- as compensation payable by the Petitioner/Management to the 1st Respondent for not following the provisions of Section 25-F of the Industrial Disputes Act, 1947, instead of granting reinstatement and other attendant benefits.

6. There is a procedure for recruitment in the Postal Department, which has been given a go-by. But, the services of the 1st Respondent have been utilized by the Postal Department. When the Labour Court has held that, there is a regular recruitment process to be followed for selecting and appointing a person, for non-compliance of Section 25-F of the Act, compensation of a sum of Rs.1,00,000/- has been ordered to be paid to the 1st Respondent. Though there is an irregular appointment, which is not due to the fault of the 1st Respondent, the Award of the Labour Court is based on finding of fact.

7. Taking note of the factual situation, this Court is of the view that, the compensation awarded by the Tribunal to the 1st Respondent is slightly on the higher side and hence, the same is reduced to a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) and the Petitioner/Management is expected to pay the same



to the 1st Respondent herein within a period of two months from the date of receipt of a copy of this order, however, without payment of any interest.

8. It is made clear that, if the modified compensation is not paid by the Petitioner/Management within the time stipulated, the rate of interest awarded by the Tribunal shall stand restored.

The Writ Petition is ordered accordingly. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

(aeb)

To:

1. The Central Government Industrial Tribunal-cum-Labour Court, Chennai.
2. The Superintendent of Post Offices,
Ramanathapuram Division,
Ramanathapuram - 623 501.
3. The Assistant Superintendent of Post Office,
Paramakudi Sub-Division,
Paramakudi - 623 707.

+1 CC to Mr.J.Madhana Gopal Rao, Advocate sr 33598

+1 CC to Mr.R.Malaichami, Advocate sr 32819.

W.P.No.8780 of 2015

SSI(CO)

SP(18/08/2021)