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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.NOS.1180 TO 1182 OF 2017

K.Raghunathan

... Appellant in
W.A.No.1180 of 2017

P.Velu

... Appellant in
W.A.No.1181 of 2017

P.Sekar

... Appellant in
W.A.No.1182 of 2017

-Vs-

1. The Presiding Officer,
Labour Court,
Salem - 636 007.
2. The Management of Tamil Nadu,
State Transport Corporation Ltd.,
Rep.By its Managing Director,
Ramakrishna Road,
Salem - 636 007.

... Respondents in
all the Writ Appeals

PRAYER:-

Appeals filed under Clause 15 of the Letters Patent, against the order dated 29.06.2017 made in W.P.Nos.27878, 29100 & 29157 of 2010, respectively.

Prayer in W.P.No.27878 of 2010:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, after calling for the records relating to the common award passed in I.D.No.43/1999, dated 16.02.2005 on the file of Labour Court, Salem and quash that portion of the said Award dated 16.02.2005, which denies the normal relief of reinstatement with continuity of service and backwages and attendant benefits in so



far as it relates to I.D.No.43/1999 of the Petitioner and consequently direct the 2nd Respondent to reinstate the Petitioner in service with continuity of service and other attendant benefits and award costs.

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Prayer in W.P.No.29100 of 2010:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, after calling for the records relating to the common award passed in I.D.No.44/99, dated 16.02.2005 on the file of Labour Court, Salem and quash that portion of the said Award dated 16.02.2005, which denies the normal relief of reinstatement with continuity of service and backwages and attendant benefits in so far as it relates to I.D.No.44/99 of the Petitioner and consequently direct the 2nd Respondent to reinstate the Petitioner in service with continuity of service and other attendant benefits and award costs.

Prayer in W.P.No.29157 of 2010:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, after calling for the records relating to the Common Award passed in I.D.No.55/99, dated 16.02.2005 on the file of Labour Court, Salem and quash that portion of the said Award dated 16.02.2005 which denies the normal relief of reinstatement with continuity of service and backwages and attendant benefits in so far as it relates to I.D.No.55/99 of the petitioner and consequently direct the 2nd respondent to reinstate the petitioner in service with continuity of service and other attendant benefits and award costs.

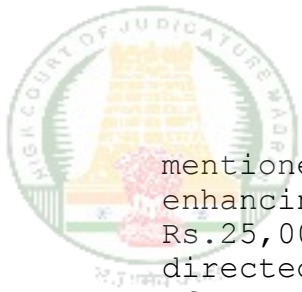
For Appellants :: Mr.S.Ayyathurai

For Respondents :: R1-Court
 Mr.D.Raghu for R2

JUDGMENT

(Judgment of the Court was made by T.RAJA, J.)

These writ appeals have been directed against the order passed in the writ petitions, wherein the learned single Judge, finding that the appellants, while serving as Cook, Bearer, Cleaner, etc., were terminated in the year 1990 and thereafter have approached the Labour Court, Salem on the ground that when they have put in 240 days of service in a calendar year, they cannot be terminated without following the mandatory conditions



mentioned in Section 25-F of the Industrial Disputes Act, enhancing the compensation awarded by the Labour Court from Rs.25,000/- to Rs.4,00,000/- to each of the appellants, has directed the second respondent-Management to pay the said amount of compensation within twelve weeks time, after deducting Rs.25,000/- that was already received by each of them.

2. We have also gone through the award and also the order passed by the learned single Judge. The Labour Court, Salem, while dealing with the contentions raised by both parties, came to the conclusion that the appellants cannot claim as a matter of right that they should be reinstated in service with backwages in every case, because they were terminated from 1.3.90 onwards and nearly after a period of nine long years, they had approached the Labour Court. However, the Labour Court, finding that the appellants were engaged as daily wagers and have completed 480 days of service in 24 calendar months and they have been terminated without complying with the provisions of Section 25-F of the Industrial Disputes Act and that 15 long years had gone by, ordered for payment of Rs.25,000/- as compensation to the appellants. When the said award was put to challenge in the writ petitions, the learned single Judge has enhanced the compensation to Rs.4,00,000/- to each of the appellants, considering the fact that the canteen run by the second respondent Management in which the appellants were working, was also given on lease to private contractors, therefore, the question of reinstatement does not arise. We also agree with the said findings. Since the canteen in which the appellants were engaged has also been given on lease to private contractors, the direction given by the learned single Judge to the second respondent Management to pay a sum of Rs.4,00,000/- as compensation to each of the appellants, after deducting Rs.25,000/- already received by them pursuant to the award, being reasonable, requires no interference, Therefore, rejecting the request of the learned counsel appearing for the appellant for further enhancement, these writ appeals are dismissed. Needless to state that the second respondent Management shall pay the balance compensation of Rs.3,75,000/- to each of the appellants within a period of eight weeks from the date of receipt of a copy of this order. There is no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss



To

1. The Presiding Officer,
Labour Court,
Salem - 636 007.

WEB COPY

2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Ramakrishna Road,
Salem - 636 007.

W.A.NOS.1180 TO 1182 OF 2017

PL (CO)
PBS/24/08/2021