



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.2661 of 2013

and

M.P. (MD)No.1 of 2013

WEB COPY

Tamil Nadu Civil Supplies  
Corporation Limited,  
represented by its Regional Manager,  
Collector Office Complex,  
Ramnad District.

... Petitioner

vs.

1.The Presiding Officer,  
Labour Court,  
Madurai.

2.S.Muthukumar

3.The Chairman cum Managing Director,  
Tamil Nadu Civil Supplies  
Corporation Limited,  
No.12, Thambu Chetty Street, Kilpauk,  
Chennai - 600 010.

... Respondents

***(The third respondent herein is hereby given up)***

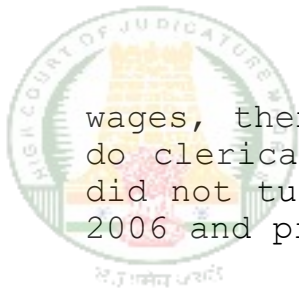
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records,pertaining to the impugned award, dated 21.07.2012, in I.D.No.42 of 2006 on the file of the first respondent herein and to quash the same.

For Petitioner : Mr.G.Mohankumar  
For R1 : Labour Court  
For R2 : Mr.R.Aravindan  
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**O R D E R**

This Writ Petition is filed for issuance of a Writ of Certiorari to quash the impugned award, dated 21.07.2012, in I.D.No.42 of 2006 on the file of the first respondent herein and to quash the same.

2.The second respondent was engaged from August 1991 to January 1993 as Assistant Quality Inspector in Paramakudi Godown for doing miscellaneous work as a casual labour and he was paid daily



wages, then he was engaged for 39 days in Ramnad Regional Office to do clerical work on 04.05.1992. Thereafter, the second respondent did not turn up for work. The second respondent filed I.D.No.42 of 2006 and prayed reinstatement with backwages and regularization.

3.The Corporation has filed counter affidavit before the Labour Court and contested the case. The Labour Court has passed an award, dated 21.07.2012, directing the Corporation to reinstate the second respondent as a fresh entrant within three months from the date of receipt of a copy of the award. The Labour Court has declined any continuity of service or backwages. Challenging this award, the corporation has filed this Writ Petition.

4.Heard Mr.G.Mohankumar, learned Counsel appearing for the petitioner and Mr.R.Aravindan, learned Counsel appearing for second respondent.

5.The claim of the Corporation is that the second respondent has worked from 01.08.1991 to 29.02.1992 in Paramakudi Godown, then, at Regional Office at Ramanathapuram from 01.03.1992 to 30.04.1992 and thereafter, again in Paramakudi Godown from 01.05.1992 to 31.01.1993. This fact was denied by the second respondent, wherein, the second respondent stated that he was continuously working from August 1991 to January 1993. The second respondent also stated that he had worked for more than 240 days and therefore, the second respondent is entitled for regularization.

6.On seeing the entire facts of the case, it is seen that the second respondent had worked until 31.01.1993. The second respondent has filed an industrial dispute in the year 2006. The second respondent has stated that he was in employment under the second respondent, who ought to have been regularized or ought to have been retrenched by following Section 25 (f) of the procedure.

7.The Corporation has not paid one month salary or issued any notice as contemplated under Section 25 (f). The second respondent was not sponsored by the Employment Exchange and the Labour Court has held that the petitioner's appointment was illegal. The second respondent was appointed without following the procedure so, the second respondent cannot claim reinstatement automatically. In spite of this, the Labour Court has granted reinstatement to the second respondent. Aggrieved over the same, the Corporation has filed this Writ Petition. The second respondent was 42 years old at the time of filing this Writ Petition. Now, the second respondent would be 51 years old. As stated by the Labour Court, the initial appointment is illegal.

8.Therefore, considering the facts and circumstances of this case, this Court is directing the Corporation to pay one month salary to the second respondent under Section 25 (f) of Industrial Disputes Act, 1947. The reinstatement was awarded but, was not implemented



and the petitioner is aged above 51 years, taking all these into consideration, the Corporation is directed to pay two months salary apart from the one month salary stated above. In total, the Corporation is directed to pay three months salary.

9. With the above observation the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Tmg

**TO:**

The Presiding Officer,  
Labour Court,  
Madurai.

**COPY TO:-**

The Section Officer,  
V.R. Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

+1 CC to M/s.G.MOHANKUMAR, Advocate ( SR-38060[F] dated 09/12/2021 )

Order made in  
W.P. (MD) No.2661 of 2013  
09.12.2021

KS (CO)  
GC (23.12.2021) 3P 5C