



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

C O R A M

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 3135 of 2014

R.Chandrasekar

... Petitioner

-vs-

1.The General Manager,
Poompuhar Shipping Corporation,
Marine Workshop,
Harbour Estate,
Thoothukkudi - 628004.

2.The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

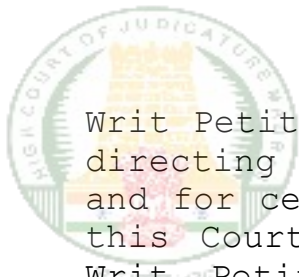
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in C.P. No.2 of 2013 passed by the Second Respondent dated 07.01.2014, quash the same and consequently, direct the Second Respondent to compute the money value of the Petitioner's claim.

For Petitioner : Mr. L.Shaji Chellan
For First Respondents : Mr. P.Chandrabose

O R D E R
(through video conference)

Heard Mr. Shaji Chellan, Learned Counsel for the Petitioner and Mr. P.Chandrabose, Learned Counsel for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

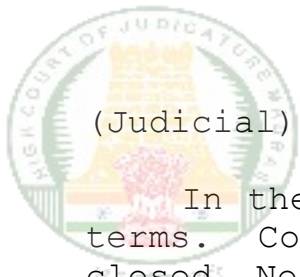
2. The Petitioner who was initially engaged contract labour by the Respondent had made a claim under Section 3 for permanency under the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status of Workmen) Act, 1981 (hereinafter referred to as the 'Permanent Status Act' for short) on completion of 480 days of service within a period of 24 calendar months before Inspector of Factories, Thoothukudi, who had by Order in Ref No. Na.Ka.No.E/71/2011 dated 11.11.2011 granted that benefit to the Petitioner with the effect from 11.05.2011. The Respondent challenged the said order by way of Writ Petition in W.P. (MD) No. 11971 of 2011 before this Court. The Petitioner had filed another



Writ Petition in W.P. (MD). No. 9392 of 2012 before this Court for directing the Respondent to implement the aforesaid order passed and for certain consequential reliefs. After hearing both parties, this Court by an elaborate order dated 16.03.2021 dismissed the Writ Petition in W.P. (MD) No. 14971 of 2011 filed by the Respondent and allowed the Writ Petition in W.P. (MD) No. 9392 of 2012 filed by the Petitioner.

3. In the interregnum, the Petitioner, who has been accommodated as a welder/fitter in the Thoothukudi Marine Workshop of the Respondent, had filed a Claim Petition in C.P. No. 2 of 2013 under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'I.D Act' for short) before the Labour Court, Tirunelveli (hereinafter referred to as 'the Labour Court' for short) to compute the monetary benefits that he was entitled for the period from 01.05.2011 to 30.11.2012 and the same was dismissed by order dated 07.01.2014 as not maintainable on the only ground that it was pre-mature at that stage to decide such claim made when the challenge to the Order in Ref No. Na.Ka.No. E/71/2011 dated 11.11.2011 passed by the Inspector of Factories, Thoothukudi was then under consideration before this Court in W.P. (MD) No. 14971 of 2011 filed by the Respondent. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the said order passed by that Labour Court.

4. Having regard to the fact that after filing of this Writ Petition, the earlier Writ Petitions in W.P. (MD) No. 14971 of 2011 and 9392 of 2012 have been disposed by this Court by common order dated 16.03.2021 confirming the Order in Ref No. Na.Ka.No.E/71/2011 dated 11.11.2011 passed by the Inspector of Factories, Thoothukudi, the impediment cited by the Respondent for deciding claim petition no longer exists. In that view of the matter, the impugned order dated 07.01.2014 in C.P. No. 2 of 2013 passed by the Labour Court is set aside and the matter is remitted back to that Labour Court to decide the matter afresh, and the case shall be listed for hearing on 20.10.2021 before that Labour Court and the contesting parties shall appear in person or through their authorized representative. If that Labour Court is not in a position to take up the matter on the said date, the date to which it is adjourned shall be informed in the prescribed manner. It shall be ensured by the Labour Court that there is atleast one effective hearing every week showing progress of the case, that full opportunity of hearing is afforded to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, that reasoned orders are passed dealing with each of the contentions raised by them on merits and in accordance with law, that the decision taken is communicated to the concerned parties under written acknowledgment and that proof of such compliance is filed by 28.02.2022 before the Registrar



(Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

WEB COPY

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sm/skr

Note: (i) Issue order copy by 15.09.2021.

(ii) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Presiding Officer,
Labour Court,
Tirunelveli.

Copy to
The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-24227[F] dated
28/07/2021)

W.P. (MD) No. 3135 of 2014
26.07.2021

NSN(CO)
SB(15.09.2021) 3P 4C