



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.27366 OF 2018

The Management / Director
Arignar Anna Zoological Park
Vandalur, Chennai 600 048.

... Petitioner

Vs

Tmt.M.Kalliammal

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records relating to the order dated 30.11.2017 passed in I.D.No.265 of 2015 on the file of the III Additional Labour Court, Chennai and quash the same.

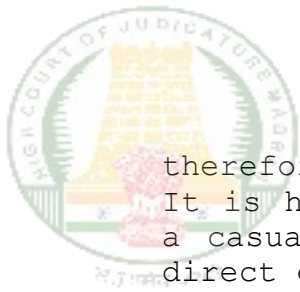
For Petitioner : Mr.T.Arun Kumar
Additional Government Pleader
(Forests)

For Respondent : No appearance

O R D E R

The respondent herein, while working as a Sweeper in the petitioner Zoological Park from the year 1981 onwards, was refused employment from 02.01.2014 onwards, and subsequently from 14.01.2015 onwards. The dispute raised by the respondent herein against her non-employment came to be allowed, with a direction to the petitioner to reinstate her with continuity of service and 50% of backwages and other attendant benefits. Aggrieved against the same, the petitioner Zoological Park has filed the present writ petition.

2. Learned Additional Government Pleader appearing for the petitioner submitted that the nature in which the Zoological Park functions cannot be termed to be an 'Industry' as defined under Section 2(j) of the Industrial Disputes Act, 1947 and



therefore, the Award of the Labour Court cannot be sustained. It is his further submission that the petitioner was engaged as a casual labourer through contractors and therefore was not in direct engagement by them.

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3. The Labour Court had placed reliance on a decision of the Hon'ble Supreme Court in the case of Chief Conservator of Forests & Another -Vs- Jagannath Maruti Kondhare etc. Reported in 1996 (1) LLJ 223 and held that the employees of the Forest Department will fall under the purview of the Industrial Disputes Act and that the Forest Department is deemed to be an 'Industry' under Section 2(j) of the Industrial Disputes Act. In this background, the Labour Court had further placed reliance on the oral and documentary evidences filed before it and had established the continuous employment of the respondent with the petitioner Zoological Park. It is in this background that the decision came to be arrived that the respondent herein was employed as a Sweeper and was refused employment without any valid reason. The Award was based on the evidences let in before the Labour Court and cannot be said to be a case of "no evidence". Insofar as the employment particulars of the respondent is concerned, they are substantiated on the basis of the documentary and oral evidence by the Labour Court and this Court, exercising its power under Article 226 of the Constitution of India, will not re-appreciate such evidences.

4. For the forgoing reasons, I do not find any merits in this writ petition. Accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KST

To

The III Additional Labour Court, Chennai.

+1cc to the Special Government Pleader(Forest), S.R.No.1753

W.P.No.27366 of 2018

BP(CO)
RLP(23/02/2022)