



W.P.(MD).No.18773 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.18773 of 2014

S.Kaleeswaran

... Petitioner

Vs.

1.The Chairman,
Solamalai College of Engineering,
S.V.Raja Nagar,
Veerapanchan,
Madurai – 625 020.

(The name of the first respondent is suo motu amended vide court order dated 21.11.2022 in W.P.(MD).No.18773 of 2014)

2.The Presiding Officer,
Labour Court,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the order passed by the second respondent in I.D.No.131 of 2011 dated 28.08.2014 and quash the same.

For Petitioner : No Appearance.

For Respondents : No Appearance.



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ORDER

This Writ Petition is filed to quash the order passed by the second respondent in I.D.No.131 of 2011 dated 28.08.2014.

2. The first respondent has filed a memo dated 07.12.2021, wherein, it is stated that the name of the College namely “Raja College of Engineering” is now changed as “Solamalai College of Engineering” and the Management was also changed.

3. This Court vide order dated 18.07.2022 directed the first respondent to amend the cause title by substituting first respondent as Solamalai College of Engineering instead of Raja College of Engineering.

4. Till now, no steps have been taken to amend the cause title. Therefore, this Court *suo motu* amends the first respondent as Solamalai College of Engineering instead of Raja College of Engineering.

5. The petitioner had joined service on 29.09.2007 as Assistant Librarian in the first respondent College and thereafter was removed from service on 20.03.2010 and he was drawing a salary of Rs.5600/- per month.



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6. The contention of the petitioner was that he was not included in the Provident Fund scheme. Hence, the petitioner was pressing to grant benefits of Provident Fund to all the employees. Hence the first respondent transferred the petitioner to the Book Depot Sales Counter on 22.07.2009. The said job was not commensurate with the educational status of the petitioner. Even though the petitioner joined the said post, once again on 12.03.2010, he was transferred as Assistant to the Dean of the Communication and Counseling Wing. The petitioner protested, hence there was dispute between the petitioner and the first respondent, which culminate in removing the petitioner from job 20.03.2010.

7. Aggrieved over, the petitioner has raised Industrial Dispute and the second respondent has passed the impugned order directing the first respondent to grant Rs.50,000/- (Rupees Fifty Thousand only) as compensation but denied reinstatement and other benefits.

8. The contention of the petitioner is that the respondent college cannot unilaterally remove the petitioner from service. This Court is of the considered opinion that the writ petition is not maintainable since the respondent college is not an aided college. On merits, if reinstatement is granted, the petitioner would not have any conducive work place, since the management is changed.



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Therefore, this Court is not inclined to interfere with the order of the Labour Court except on the amount of compensation. The amount of Rs.50,000/- (Rupees Fifty Thousand only) is on the lower side. Hence, this Court is increasing the compensation amount of Rs.75,000/- (Rupees Seventy Five Thousand only). The first respondent is directed to pay the amount of Rs.75,000/- (Rupees Seventy Five Thousand only) within a period of six (6) weeks from the date of receipt of a copy of this order.

9. Since there is change in the Management, if the subsequent Management is aggrieved over this order, the Management is at liberty to pay and collect from the erstwhile Management. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

21.11.2022

Index : Yes / No
Internet : Yes/ No
Nsr



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To
1.The Chairman,
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2.The Presiding Officer,
Labour Court,
Madurai.



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S.SRIMATHY, J.

Nsr

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