



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

W.P(MD) No.3457 of 2014

and

M.P. (MD)No.1 & 2 of 2014

The Management
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul.

:Petitioner

..vs..

1. The Presiding Officer,
Labour Court,
Tiruchirappalli.

2. A.Mohanasundaram
3. M.Dhanalakshmi
4. M.Gayathri
5. M.Swarnavarshini
6. Ayyasamy
7. A.Manoranjitham

:Respondents

***(R3 to R7 are impleaded, vide Court order,
dated 11.01.2022 in W.M.P. (MD)No.9828 of 2017
in W.P. (MD)No.3457 of 2014)***

PRAYER: Writ Petition filed under Article 226 of the Constitution of to issue a Writ of Certiorari to call for the records in I.D.No.146 of 2004, dated 31.08.2012 on the file of the first respondent and quash the same.

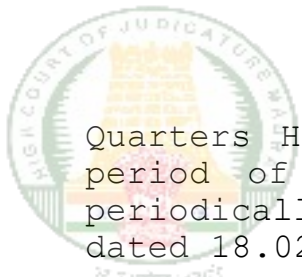
For Petitioners	: Mr.J.Senthil Kumariah
For Respondents	: Labour Court for R1 Mr.G.M.Xavier for R2 to R7

O R D E R

The Management has preferred this writ petition challenging the I.D award rendered in I.D.No.146 of 2004, dated 31.08.2012.

2. The brief facts of the case are that the second respondent was temporarily appointed as part time Pharmacist in the Head

<https://hcservices.ecourts.gov.in/hcservices/>



Quarters Hospital at Dindigul, vide order, dated 06.07.1999 for a period of six months. Thereafter, the temporary engagement was periodically extended. The last extension was ordered, vide letter, dated 18.02.2012. Thereafter, the Management felt it unnecessary to engage a Pharmacist because the management was taking steps to reduce the strength of the staff as an economic measure. Hence the second respondent was informed that his service may not be required from 09.01.2003 onwards and consequently, the disengagement was informed to the Employment Exchange, vide letter, dated 01.02.2003. The second respondent has raised an Industrial Dispute before the Labour Court, Tiruchirappalli.

3. The respondents have not filed any counter.

4. Heard Mr.J.Senthil Kumariah, learned Counsel appearing for the petitioner and Mr.G.M.Xavier, learned Counsel appearing for the respondents no 1 to 7.

5. Pending Writ Petition, the second respondent died, vide W.M.P.(MD)No.9828 of 2017, the legal heirs are impleaded, vide order, dated 11.01.2022.

6. The contention of the petitioner Management is that the second respondent has no *loco standi* to raise any industrial dispute, since he was not appointed as full time regular employee. The service of the second respondent was stopped as an economic measure of the Corporation. The Corporation has every right to engage the person based on its financial status. However, the Management has not issued any notice and has not paid one month salary to the second respondent. Therefore, to meet the ends of justice, this Court is directing the petitioner Management to pay two months salary which was lastly drawn by the second respondent and the impugned order passed by the Labour Court is set aside.

7. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar (A/C's)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr



To

The Presiding Officer,
Labour Court,
Tiruchirappalli.

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+1 CC to M/s.G.M.XAVIER, Advocate (SR-4025[F] dated 03/02/2022)

W.P (MD) No.3457 of 2014
31.01.2022

SJ(CO)

KB(21.03.2022) 3P 3C