



W.P.No.13805 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Date of Reserving Order 03.07.2023	Date of Pronouncing Order 09.08.2023
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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

WP.No.13805 of 2011

and

MP.No.1 of 2011

The Regional Manager
The Tamil Nadu Civil Supplies Corporation
Tiruvannamalai Region
Tiruvannamalai

... Petitioner

Vs.

1.The Principal Labour Court
Vellore
Vellore District

2.C.Chandrasekaran
S/o.Chakkaravarthi
4/48, Periya Jain Street
Kosapallayam, Arani
Tiruvannamalai District 632 301

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the first Respondent pertaining to the award passed in I.D.No.144/08 dated 15.02.2010 and quash the same in so far as it grants the relief of continuity of service 25% of backwages and other attendant benefits to the second respondent workman.



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For Petitioner : Mr.C.Selvaraj

For Respondents : Mr.S.T.Varadarajulu (for R2)

ORDER

This Writ Petition has been filed to call for the records of the first Respondent pertaining to the award passed in I.D.No.144/08 dated 15.02.2010 and quash the same in so far as it grants the relief of continuity of service 25% of backwages and other attendant benefits to the second respondent workman.

2.The Petitioner/The Tamil Nadu Civil Supplies Corporation has filed this Writ Petition in respect of the second portion of the award made in I.D.No.144 of 2008 by the first Respondent, wherein order for reinstatement, with continuity of service and payment of 25% of backwages and other attendant charges has been ordered.

3.The second Respondent herein raised Industrial Dispute case under Section 2(A) of the Industrial Disputes Act, 1947, seeking reinstatement with continuity of service, payment of backwages and all other attendant benefits. It



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is a specific case of the second respondent herein that he was employed as delivery boy in the Gas Unit of the Petitioner at Arani from 30.06.1997 and was terminated on 22.03.2000, without any prior notice. While he was in service he had received salary and also bonus. After termination he was not paid any compensation.

4.Heard the learned counsel for the Petitioner and the learned counsel for the second Respondent.

5.The workman has moved the Labour Court, challenging the termination of service of the second Respondent by the Petitioner, wherein the Labour Court has passed an award of reinstatement of service. However, taking into consideration that there is delay of six year, the Labour Court has granted 20% of backwages with continuity of service. Aggrieved against the same, the Management has preferred this Writ Petition.

6.The learned counsel for the Petitioner contended that there is delay of six years and also challenged the nature of the appointment of the second



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Respondent that the second Respondent was appointed by the local head not through employment.

7. On perusal of the proceedings before the labour Court, I find that the name of the second Respondent is mentioned in the attendance register and he also signed in that register, as could be seen from Ex.W.1/copy of the letter dated 27.01.1999 and Ex.W.2/copy of proceedings of the management dated 31.01.2002. Based upon the admission made by the management witness M.W.1, regarding Ex.W.2, the labour Court has rendered a categorical finding that 7 workers have been mentioned as being eligible for the bonus for the year 1999-2000, in which the second Respondent's name is also found for sanction. The second Respondent's name is found in S.No.6 of Ex.W.2. Therefore, in view of the categorical finding rendered by the labour Court, which is based upon the admission of M.W.1 regarding Ex.W2, I do not find any error in the said award.

8. It is represented by the learned respective counsel on both sides that pursuant to the award of the first Respondent herein, the second Respondent



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was reinstated on 25.12.2010 and he was retired on June 2015 and hence, I am not inclined to interfere with the award passed by the learned Presiding Officer, Labour Court, Vellore in I.D.No.144 of 2008 dated 15.02.2010 and the same is hereby confirmed.

9.In fine, this Writ Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

09.08.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Order made in

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and

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Dated: 09.08.2023