



W.P.Nos.15055 of 2013
and 25924 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition Nos.15055 of 2013 and 25924 of 2015
and M.P.Nos.1 of 2013 and 1,2,3 and 4 of 2015
and 16302 & 16303 of 2017

W.P.No.15055 of 2013

The Director
Arignar Anna Zoological Park
Vandalur, Chennai-48.

.... Petitioner

-Vs-

E.Gopal

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in I.D.No.84 of 2005 dated 10.10.2012 on the file of the II Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.J.C.Durairaj
Additional Government Pleader
For Respondents : Mr.K.Bharathi

W.P.No.25924 of 2015

E.Gopal

... Petitioner

-Vs-

1.The Presiding Officer
II Additional Labour Court
Chennai 600 104.



W.P.Nos.15055 of 2013
and 25924 of 2015

2.The Director
Arignar Anna Zoological Park
Vandalur,
Chennai – 600 048.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in I.D.No.84 of 2005 dated 10.10.2012 insofar as the 1st respondent denied full back wages from the date of dismissal on 21.09.1987 to 02.08.2004 and denied 75% backwages from 03.08.2004 till the date of award on 10.10.2012 and quash the same.

For Petitioner : Mr.K.Bharathi

For Respondents : Mr.J.C.Duraiaraj
Additional Government Pleader- for R2
R1 - Court

COMMON ORDER

These writ petitions are taken up together for disposal as they arise against the same order passed by the II Additional Labour Court at Chennai. For the sake of convenience, the parties are referred to as Management and Workman. W.P.No.15055 of 2013 is filed by the Management and W.P.No.25924 of 2015 is filed by the workman.

2. The short facts are that the workman was dismissed from service on 21.09.1987 as he was involved in a murder case in S.C.No.155 of 1988. The persons similarly situated like the workman were acquitted from the criminal



W.P.Nos.15055 of 2013
and 25924 of 2015

case on 12.08.1989. On 23.08.1989, the workmen had approached the Management for the purpose of being reinstated in service together with back wages. However, the Management did not reinstate them, constraining the General Secretary of Arignar Anna Zoological Park Thozhilalar Sangam to raise I.D.No.471 of 1997 on the file of the Principal Labour Court, Chennai.

3. Unfortunately, at the time of raising the industrial dispute, the name of the workman in the present case was not included in the Section 2K dispute. Therefore, after the disposal of the industrial dispute, the workman raised a fresh dispute on 21.02.2005 in I.D.No.84 of 2005. A similarly placed person viz., Elumalai also raised a dispute in I.D.No.449 of 2005, ten months after the workman herein. The said industrial dispute was allowed, granting full backwages to the said Elumalai. That order was challenged before this Court in W.P.No.7126 of 2010. The said writ petition was dismissed on 21.04.2016 and Elumalai had been granted the benefit of reinstatement with continuity in service and full back wages. However, the said benefit has not been granted to the workman herein.

4. There is no difference between the case of Elumalai and the case of the



W.P.Nos.15055 of 2013
and 25924 of 2015

workman herein ie., E.Gopal, the petitioner in W.P.No.25924 of 2015. Therefore, following the order passed by this Court in W.P.No.7126 of 2010 dated 21.04.2016, W.P.No.15055 of 2013 filed by the Management is dismissed and W.P.No.25924 of 2015 is allowed. The award of the labour court dated 10.10.2012 in I.D.No.84 of 2005 is modified from 25% backwages to full back wages with continuity of service. Consequently, connected miscellaneous petitions are closed.

30.06.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

1.The Director
Arignar Anna Zoological Park
Vandalur, Chennai-48.

2.The Presiding Officer
II Additional Labour Court
Chennai 600 104.



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W.P.Nos.15055 of 2013
and 25924 of 2015

V. LAKSHMINARAYANAN, J.

KST

W.P.Nos. 15055 of 2013
and 25924 of 2015

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