



W.P.No.8127 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8127 of 2018

And

W.M.P.No.10106 of 2018

A.C.Sekar

... Petitioner

Vs.

1.The Management

TPD 56 Appanallur Milk Producer Co-op Society,
Ammapalayam Village and Post,
Arani Taluk,
Thiruvannamalai District.

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

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for record relating to impugned award dated 21.12.2017 passed by the second respondent in I.D.No.169 of 2015 and quash the same consequently direct the first respondent to reinstate the service of the petitioner with back wages and allowances, continuity of service and other attendant benefits.



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For Petitioner : Mr.P.Ganapathy
For Respondents : Mr.L.P.Shanmugasundaram for R1
R2 – Labour Court

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to impugned award dated 21.12.2017 passed by the second respondent in I.D.No.169 of 2015 and quash the same consequently direct the first respondent to reinstate the service of the petitioner with back wages and allowances, continuity of service and other attendant benefits.

2.The case of the petitioner is that the petitioner joined the service of the first respondent as Secretary Cum Village Level Worker on 03.05.1999 and was stopped from service orally on 18.06.2014 without any notice. Hence, the petitioner raised industrial dispute before the second respondent, however, the second respondent vide impugned award dismissed the industrial dispute. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted



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that the petitioner worked under the first respondent for more than 15 years, however, he was not paid with bonus and his service was also orally terminated without any notice. Hence, the petitioner approached the Labour Officer and since the Labour Officer submitted failure report, the petitioner raised industrial dispute. Initially the Labour Court allowed the petitioner's claim based on the documents marked by him as exhibits and passed exparte award, however, subsequently, the first respondent filed petition seeking to set aside the exparte award along with condone delay application and thereafter the industrial dispute was restored and the impugned award was passed.

4.The learned counsel appearing for the petitioner further submitted that the petitioner produced necessary documents to substantiate that he was not employed anywhere, however, the first respondent did not allow him to join duty. The first respondent in order to deprive the rights of the petitioner from joining duty filed counter stating that the petitioner on his own did not join duty. The learned counsel further submitted that the petitioner now retired from service.

5.The learned counsel appearing for the first respondent



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submitted that the petitioner lastly reported to work on 18.06.2014 forenoon session and thereafter he stayed away from duty voluntarily.

The petitioner is engaged in performing the same nature of work for private milk producing companies and is alternatively gainfully employed.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The facts in the present case is not in dispute. Admittedly, the petitioner joined the service of the first respondent on 03.05.1999 and he claim that he was orally terminated from service on 18.06.2014 without any notice. Aggrieved by the same, the petitioner raised industrial dispute before the second respondent, however, the second respondent vide impugned award dismissed the industrial dispute.

8.This Court perused the impugned award. The petitioner has examined himself as W.W.1 and has marked exhibits Ex.W1 to Ex.W4. The first respondent Management has examined one witness M.W.1 and has marked exhibits Ex.M.1 to Ex.M.3.



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9.Perusal of Ex.M.1 and Ex.M.2 disclose that the petitioner as worked upto 18.06.2014 and thereafter his attendance has been marked as absent. Further, the first respondent has filed counter stating that the petitioner lastly reported to work on 18.06.2014 forenoon session and thereafter he stayed away from duty voluntarily. If it is no, the petitioner has to file appropriate application for engagement of service after 18.06.2014, however, till date, the petitioner has not taken any steps to join duty. Further, the petitioner has now retired from service. Hence, the impugned award needs no interference.

10.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

05.09.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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M.DHANDAPANI,J.
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To

- 1.The Management
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