



W.P.No.976 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.976 of 2018

and

W.M.P. No.1164 of 2018

1. The Joint Director of
Medical and Rural Health Services,
Salem - 1.
2. The Dean,
Government Mohan Kumaramangalam
Medical College Hospital,
Salem.

.. Petitioners

-VS-

1. M.Chandran
2. The Presiding Officer,
Labour Court, Salem.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records relating to the order dated 19.06.2017 made in C.P.No.215 of 2013 on the file of the Labour Court, Salem, the 2nd respondent herein and quash the same.



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For Petitioners : Mr.V.Ravi

For the first respondent : Mr.K.M.Ramesh, Senior Counsel
for M/s S.Apunu

R2 : Labour Court

ORDER

The writ petition has been filed seeking to quash the order dated 19.06.2017 in C.P.No.215 of 2013 on the file of the Labour Court, Salem, the 2nd respondent herein.

2. The case of the petitioners is that the first respondent was appointed as Ambulance Attender on the temporary basis by the District Medical Officer, Salem during the year 1982 vide proceedings No.20019/EA/3/82 dated 09.11.1982 and thereafter, he was transferred to Government Hospital, Rasipuram. The first respondent produced his educational certificate during his appointment. After verification, the District Educational Officer has stated that the certificate produced by the first respondent is bogus one. Based on the said report issued by the then District Educational Officer, the first respondent was dismissed from service vide order dated 01.11.1985. Challenging the order of dismissal, the first respondent has raised an industrial dispute before the Labour

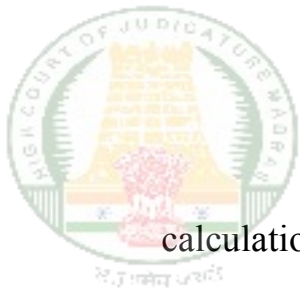


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Court, Salem after lapse of seven years. The Labour Officer, vide order dated

19.05.1985, passed an exparte award for reinstatement of the first respondent herein into service with continuity of service along with backwages. Thereafter, the first respondent filed a computation petition claiming the monetary benefits in C.P.No.130 of 1997 before very same Labour Court. After adjudication, the Labour Officer awarded a sum of Rs.2,11,900/- vide order dated 09.12.1997. Aggrieved by the said order, the petitioners herein filed a writ petition before this Court in WP.Nos.9879 and 9880 of 1998. This Court, vide its order dated 09.10.2007, dismissed the said writ petitions. After lapse of seven years, the very same first respondent, again filed a claim petition in C.P.No.215 of 2013 before the second respondent claiming compensation of Rs.17,83,113/- towards backwages, bonus and leave salary from 01.04.1997 to 31.08.2012 under the ID Act, without any supporting documents. The Labour Court also, without considering the factual position and other legal points, passed an order on 19.06.2017, directing the petitioners herein to pay the compensation to the first respondent along with interest and cost. Challenging the said order, the petitioners have filed the present writ petition before this Court.

3. The learned Government Advocate appearing for the petitioners submitted that the first respondent, before the Labour Court, has not filed any



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calculation sheet. The Labour Court has also not examined any witnesses. Even then, it is the duty of the first respondent to produce the necessary evidence and documents for supporting his claim statement before the Labour Court. However, the Labour Court mechanically passed an award, which is unsustainable one. Accordingly, the learned counsel prays that this Court may set aside the impugned order and allowing the writ petition.

4. The learned Senior Counsel appearing for the first respondent submitted that while entertaining the writ petition, this Court has directed the petitioners to deposit the entire award amount. Against which, the petitioners have preferred writ appeal before this Court in W.A.No.692/2021. This Court vide order dated 29.06.2021 directing the petitioner Management to deposit 50% of the award passed by the Labour Court in C.P.no.215 of 2013. However, there was a calculation error in the Computation petition and therefore, this Court may set aside the impugned order and remand the matter before the Labour Court for fresh consideration.

5. Heard the learned counsel for the petitioner and the learned Senior counsel appearing on behalf of the first respondent and perused the materials available on record.



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6. In view of the consent view expressed by the learned counsel on either side, this Court sets aside the impugned order and remands the matter back to the Labour Court. The Labour officer shall decide the issue after providing opportunity to the petitioner as well as the first respondent within a period of four months from the date of receipt of a copy of this order, without influencing any observation made in the impugned order.

7. With the above direction and observation, the writ petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.08.2023

Rli

Index: Yes/No

NCS : Yes/No

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M.DHANDAPANI, J.

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