



W.P.No.36698 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.36698 of 2016

Mary

...Petitioner

Vs.

1. The Registrar,
Indian Institute of Technology,
IIT Campus, Saradar Patal Road,
Chennai – 600 036.
2. The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the award passed by the 2nd respondent in I.D.No.88/2014 on 30.09.2015 and quash the same and issue consequential direction to the 1st respondent to reinstate the petitioner in service as regularised worker with continuity of service and other service and monetary benefits.

For Petitioner : M/s.T.Dharani



W.P.No.36698 of 2016

ORDER

WEB COPY This Writ petition has been filed seeking quashment of the the award passed by the 2nd respondent in I.D.No.88 of 2014 dated 30.09.2015 and for a consequential direction to the 1st respondent to reinstate the petitioner in service as regularised worker with continuity of service and other service and monetary benefits.

2. The case of the petitioner is that, the petitioner joined the service of the 1st respondent on 01.02.2005 and worked till 31.07.2012, for a monthly salary of Rs.8,000/-. While so, all of a sudden, the 1st respondent, terminated the services of the petitioner, without following the Statutory Labour regulations and principles of natural justice. Therefore, the petitioner sent a legal notice to the 1st respondent on 11.12.2013, and as there was no response, the petitioner filed a petition before the Assistant Commissioner of Labour. Since no amicable settlement was arrived at, the industrial dispute in I.D.No.88 of 2014 came to be filed before the 1st respondent. However, the 1st respondent, without considering any of the above said facts, dismissed the said dispute, vide present impugned award. Challenging the same, the petitioner is before this Court.



W.P.No.36698 of 2016

3. Heard learned counsel for the petitioner and perused the material documents placed on record.

4. Though the present petition is of the year 2016, till date, the petitioner has not taken efforts to serve notice on the 1st respondent. However, considering the long pendency of this Writ petition, this Court is inclined to dispose of this Writ petition based on the materials available on record.

5. A perusal of the materials placed on record, particularly the impugned award dated 30.09.2015 passed by the 2nd respondent in I.D.No.88 of 2014 reveal that, the petitioner raised a dispute under Section 2A(2) of the Industrial Disputes Act, 1947 seeking reinstatement and compensation to the tune of Rs.4,00,000/- and other reliefs. The said dispute was dismissed on the ground that, the petitioner had not worked for more than 240 days in twelve calender months.

6. However, in order to show that the petitioner had worked for more than 240 days in twelve calender months, the petitioner had not produced



W.P.No.36698 of 2016

any documents either before the 2nd respondent or before this Court and it is the duty cast upon the petitioner to prove that she had worked for more than 240 days in twelve calendar months. Hence, in the absence of any material documents to substantiate the claim of the petitioner, the 2nd respondent had rightly dismissed the dispute raised by the petitioner, in which, this Court, does not find any fault and thereby, is not inclined to interfere with the same.

7. For the reasons aforesaid, this Writ petition stands dismissed. No costs.

03.08.2023

skt

Speaking Order : Yes/ No
Index : Yes/ No
NCC : Yes/ No

To

The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
Chennai.

4/5



WEB COPY



W.P.No.36698 of 2016

M.DHANDAPANI., J.

skt

W.P.No.36698 of 2016

03.08.2023