



W.P. Nos.44689 to 44691 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.44689 to 44691 of 2016

and

W.M.P. Nos.38529 to 38533 of 2016

W.P.No.44689 of 2016:-

The District Forest Officer,
District Forest Officer,
Mathigiri Hosur,
Krishnagiri – 635 110.

... Petitioner

-VS-

1. T.Nagaraj

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 of the second respondent in I.D.No.70 of 2011, dated 18.05.2016 and quash the same.

W.P.No.44690 of 2016:-

The District Forest Officer,
District Forest Officer,
Mathigiri Hosur,
Krishnagiri – 635 110.

... Petitioner



W.P. Nos.44689 to 44691 of 2016

-VS-

1. M.Appaiyan (Alias) Muniappan

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 of the second respondent in I.D.No.71 of 2011, dated 18.05.2016 and quash the same.

W.P.No.44691 of 2016:-

The District Forest Officer
District Forest Officer
Mathigiri Hosur
Krishnagiri – 635 110.

... Petitioner

-VS-

1. D.Thomas

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 of the second respondent in I.D.No.72 of 2011, dated 18.05.2016 and quash the same.

For Petitioner : Mr.S.John J.Raja Singh, AGP
For all W.P.s'

For Respondents : Mr. K.V.Shanmuganathan (R1)
For all W.P.s'



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as they sought in the Industrial Dispute before the Labour Court. The Labour

WEB COURT erred in coming to the conclusion that the private respondents are bound for reinstatement with continuity of service but with 50% back wages and with all attendant benefits. As per G.O.Ms.No.22 as on 28.02.2006 those who were completed 10 years of service, they were only eligible for regularization. Without considering all these facts, the second respondent has passed an order directing the petitioner to reinstate the private respondents into service with 50% backwages, which is not sustainable one.

5. The learned counsel for the first respondent submitted that though the present dispute has raised by the first respondent only under Section 2A(2) of the ID Act on the ground that the they have worked for 480 days in two calender years. The said oral termination is contrary to the Section 25(g) and 25(h) of the ID. Act. The petitioner filed a counter affidavit before the Labour Court and specifically averred that there was a oral termination on 01.04.2008 and insofar as the first respondent in W.P.No.44689 of 2016 is concerned, he has continuously worked for six years and six months and insofar as the first respondent in W.P.No.44690 of 2016 is concerned, he has continuously worked for three years and eight months and insofar as the first respondent in W.P.No.44691 of 2016 is concerned, he has continuously working for three



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years and seven months as employees for daily wages. Such contention is sufficient for passing award and the Labour Court awarded only for 50% back wages and not ordered to regularize their service. The learned counsel, on instructions, further submitted that the first respondent in all the petitions are ready to accept 50% back wages from the petitioner. This Court may issue a direction to the petitioner to reinstate the first respondent for their original post and order for 25% back wages.

6. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

7. The facts of the case are not in dispute. Admittedly, the first respondent raised an Industrial Dispute before the Labour Court under Section 2A(2) of the Industrial Disputes Act as they were illegally terminated from the service by the petitioner. This Court perused the counter affidavit filed by the petitioner before the Labour Court. On perusal of the same, it is seen that there was a oral termination on 01.04.2008 as against the first respondent and they were continuously working for more than three years. Further the petitioner themselves admitted before the Labour Court that the second respondent has rightly passed an order, which cannot be interfere with and the said award is



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hereby confirmed.

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8. Accordingly, all the writ petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Rli

Index: Yes/No

NCS : Yes/No

To

1. The District Forest Officer
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M.DHANDAPANI, J.

Rli

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