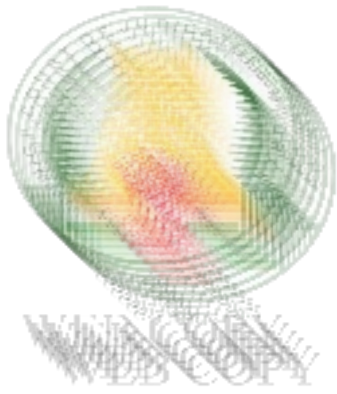




W.P.No.25688 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25688 of 2014

C.Arumugam

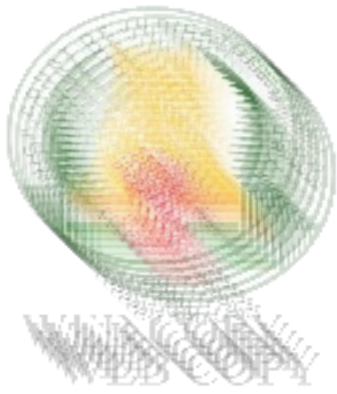
... Petitioner

-Vs-

1. The Presiding Officer,
Central Government Labour Court-cum-
Industrial Tribunal, Shastri Bhavan,
Nungambakkam, Chennai-600 034.
2. The General Manager,
GAIL (India) Ltd,
4th Floor, Savitha Plaza,
Indira Gandhi Square, Puducherry-605 505.
3. The Director,
Human Resources Department,
GAIL (India) Ltd,
16 Bhikaji Cama Place, R.K.Puram,
New Delhi-110 066.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records relating to I.D. No.89 of 2011 on the file of the Central Government Labour-cum-Industrial Tribunal and quash the same in so far as it holds in Para No.15 of the Award dated 17.03.2014 that the Petitioner is not entitled to regularization and reinstatement.



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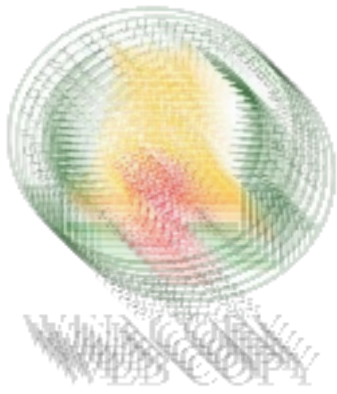
For Petitioner : Mr.T.R.Sathiyamohan
For Respondents
R1 : No appearance
R2 and R3 : Mr.S.M.Deenadayalan

ORDER

This Writ Petition has been filed challenging the award passed by the first respondent made in I.D.No.89 of 2011 dated 17.03.2014, thereby awarded compensation at Rs.2,00,000/-.

2. Heard the learned counsel for the petitioner and the learned counsel for the second and third respondents and perused the materials available on record.

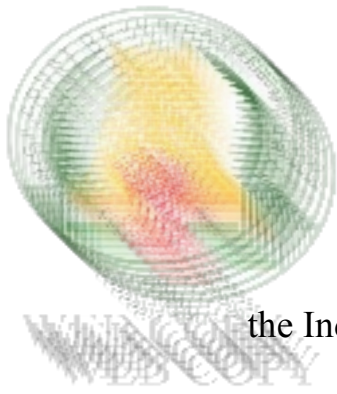
3. The petitioner was appointed as Chainman in the second and third respondents department, on 22.05.1992 at its Nagapattinam division. He had been continuously working as a Chainman without any break and he was paid a sum of Rs.900/- per month. Subsequently, it was enhanced into Rs.3000/- during the month of June 2008 and he had put in service for 16 years. In order to lay pipelines to various industries in and around Nagapattinam and Karaikal areas, Surveyors and Chainmen were appointed by the company.



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4. While being so, on 30.04.2008, the petitioner was orally discharged from his duties and he was not allowed to join the work. Therefore, he preferred an appeal before the Labour Commissioner (Central) at Chennai. During the enquiry, the request of the petitioner was not accepted by the respondents 2 and 3 herein and referred to the first respondent.

5. The claim of the petitioner is for regularization of his post. However, admittedly he was appointed as a casual labourer and he was not appointed to the regular post. The petitioner also failed to produce any appointment order. Therefore, the petitioner is not entitled for the relief of regularization and reinstatement into service. The petitioner was engaged as early as in the year 1992 and he was orally terminated from service on 30.04.2008, without notice of termination. Though the petitioner was a casual employee, the second and third respondents were bound to comply with the provisions under Section 25F of the Industrial Disputes Act. The second respondent also failed by pay any wages in lieu of notice, nor retrenchment compensation under Section 25F (b) of



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the Industrial Disputes Act.

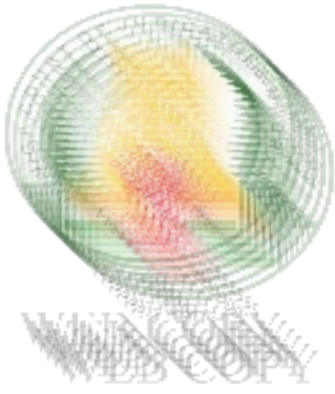
6. Therefore, the labour Court rightly concluded that the petitioner is entitled for compensation. Accordingly, the first respondent fixed a compensation payable to the petitioner at Rs.2,00,000/- and the same was also duly received by the petitioner. Having been received the compensation awarded by the Labour Court, the petitioner cannot challenge the award passed by the Labour Court.

7. In view of the above, this Court finds no infirmity or illegality in the award passed by the first respondent and this writ petition is devoid of merits and is liable to be dismissed.

8. Accordingly, this writ petition stands dismissed. No costs.

13.07.2023

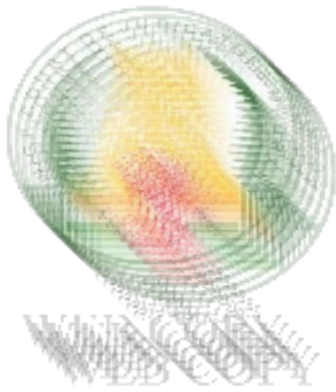
Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



W.P.No.25688 of 2014

To

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Central Government Labour Court-cum-
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4th Floor, Savitha Plaza,
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G.K.ILANTHIRAIYAN, J.

mn

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13.07.2023