



WEB COPY



W.P.No.6069 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.6069 of 2017
and WMP.Nos.6509 of 2017 and 20661 of 2021**

1. Zonal Office South
By its Chief Zonal Officer,
Churchs Axillary for Social Action,
No.4, Church Road, Vepery,
Chennai-7.

2. Churchs Auxiliary for Social Action,
by its Secretary, Director,
Head office at Rachana Building,
4th Floor, 2nd Rajendra Place,
Pusa Road, New Delhi-110 008.

.. Petitioners

Vs.

1. The Presiding Officer
I Additional Labour Court, Chennai.

2 T.Joseph Rajkumar (Died)

3. Bernice Anabel Kanagapriya

4. Sheela Monica

5. Sheeba Monisha

6. J.Paul Ajaykumar



W.P.No.6069 of 2017

(Respondents 3 to 6 substituted as LR's of the deceased second respondent vide order dated 31.07.2023 made in WMP.No.20661 of 2023 in W.P.no.6069 of 2017 by this Court)

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari calling for the records of the culminating in the Impugned Award dated 29.09.2016 in ID 143/ 2014 passed by Learned I Additional Labour Court Chennai and Quash the same.

For Petitioner : Mr.K.Shakespeare

For Respondents : R1 Court
Mr.C.Franco Louis, R2

ORDER

During pendency of this petition, the second respondent died and therefore, the miscellaneous petition is ordered and the legal heirs has been substituted.

2. This petition has been filed seeking to quash the Impugned Award dated 29.09.2016 in ID 143/ 2014 passed by Learned I Additional Labour Court Chennai.



W.P.No.6069 of 2017

3. It is the case of the petitioner that the petitioner is an Organisation involved in voluntary activities to help poor and marginalised respond to man-made and natural disaster activities which are purely charitable and not systematic or organised. The second respondent is the workman, he joined as Community Volunteer on 04.02.1986 as dispatch clerk and probation was completed in the year 1991. The second respondent was relieved from service as per the rules in the year 2012. Therefore, the second respondent raised an Industrial Dispute before the first respondent and the same was taken on file in ID No.143/2014. On 29.09.2016, the Labour Court passed an award directed the petitioner Organisation to reinstate the petitioner and pay full back wages and all other attendant benefits. Challenging the said order, the petitioner Organisation has filed the present writ petition before this Court.

4. The learned counsel for the petitioner Organisation as well as the learned counsel for the second respondent on instructions submitted that the matter has been settled between the parties and the learned counsel for the petitioner submitted that the petitioner Organisation is ready to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) as backwages apart from the



W.P.No.6069 of 2017

payment of Gratuity and Provident Fund Contribution.

WEB COPY

5. In view of the said settlement, this Court modifies the impugned order as follows:

“The petitioner is directed to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) as lumpsum amount towards back wages as one time settlement to the legal heirs and also the second respondent is entitled to get Provident Fund and Gratuity”.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

31.07.2023

rli

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

The Presiding Officer

I Additional Labour Court, Chennai.



WEB COPY



W.P.No.6069 of 2017

M.DHANDAPANI,J.

rli

W.P.No.6069 of 2017

31.07.2023