



W.P.Nos.6342 and 7304 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6342 and 7304 of 2017

And

W.M.P.No.7965 of 2017

K.Dhanalakshmi

... Petitioner in W.P.6342/2017

The Area Manager
Food Corporation of India
District Office
PO Box No.2911,
Tatabad Post,
Coimbatore 641 012.

... Petitioner in W.P.7304/2017

Vs.

1.The Presiding Officer
Central Government Industrial Tribunal cum
Labour Court
I Floor, 'B' Wing,
26, Haddows Road,
Shastri Bhavan,
Chennai 6.

2.The Area Manager
Food Corporation of India
District Office
PO Box No.2911,
Tatabad Post,
Coimbatore 641 012.

... Respondents in

W.P.6342/2017

1.The Presiding Officer
Central Government Industrial Tribunal cum
Labour Court



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Shastri Bhavan, Chennai – 600 006.

2.K.Dhanalakshmi

... Respondent in W.P.7304/2017

Prayer in W.P.No.6342 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus after calling for the concerned records from the first respondent, quash the award of the first respondent Tribunal in I.D.No.120 of 2015 dated 26.09.2016 in so far as denying the relief of reinstatement, full back wages, continuity of service and all other attendant benefits and consequently direct the second respondent to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

Prayer in W.P.No.7304 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent namely the Presiding Officer, Central Government Industrial Tribunal Cum Labour Court relating to the award dated 26.09.2016 passed in I.D.No.120 of 2015 and quash the same.

For Petitioner : Mr.Balan Haridas
in W.P.No.6342/2017
Mr.M.Imthias
in W.P.No.7304/2017

For Respondents : R1 – Court
Mr.M.Imthias for R2
in W.P.No.6342/2017



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Mr.Balan Haridas for R2
in W.P.No.7304/2017

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COMMON ORDER

W.P.No.6342 of 2017 has been filed by the Workman seeking to quash the award of the first respondent in I.D.No.120 of 2015 dated 26.09.2016 in so far as denying the relief of reinstatement, full back wages, continuity of service and all other attendant benefits and to consequently direct the second respondent to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

2.W.P.No.7304 of 2017 has been filed by the Management seeking to quash the award dated 26.09.2016 in I.D.No.120 of 2015 passed by the first respondent.

3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order. For brevity, the petitioner in W.P.No.6342 of 2017 would be hereinafter referred to as 'Workman' and the petitioner in W.P.No.7304 of 2017 would be hereinafter referred to as 'Management'.



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4.The facts of the case is that the Workman joined the Management during the year 2009 as sweeper and claim that she had worked continuously for more than 480 days in two Calender years and is fully qualified to be appointed as sweeper. Hence, she mde representation to the Management seeking to regularize her service, however, instead of regularising her services, the Management orally terminated her on 06.04.2013 without any notice. Therefore, the Workman raised industrial dispute in I.D.No.120 of 2015 before the first respondent and the first respondent passed the impugned award dated 26.09.2016 directing the Management to pay Rs.75,000/- as compensation to the Workman. Hence, these writ petitions.

5.The learned counsel appearing for the Workman submitted that the Workman was discharging the work of a regular employee continuously for more than 480 days in two Calender years and all of a sudden the Management orally terminated her on 06.04.2013 without any notice. However, the Labour Court instead of directing the Management to reinstate the Workman awarded compensation and the compensation awarded is also meagre and is not sufficient and further submitted that the services rendered by the Workman



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was not properly considered by the Labour Court.

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6.The learned counsel appearing for the Management submitted that the Workman was employed as a casual labourer and was discharging the work only as a part time employee and on her own she dis-continued the work and claim that she was orally terminated by the Management and hence, the award passed by the Labour Court is not sustainable one.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.The facts in the present case is not in dispute. Admittedly, the Workman raised industrial dispute in I.D.No.120 of 2015 before the first respondent seeking reinstatement in service with full backwages, continuity of service and other attendant benefits. The first respondent after elaborate consideration of the factual aspects passed award dated 26.09.2016 directing the Management to pay Rs.75,000/- as compensation to the Workman.

9.However, the award was passed in the year 2016 and



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