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WP.No.11992 of 2017

In the High Court of Judicature at Madras

Dated : 10.8.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.11992 of 2017
& WMP.Nos.12881 of 2017 & 5389 of 2018

Friends Missionary Prayer
Band, Chennai-53.

...Petitioner

Vs

1.Rani (a) Elizabethrani

2.The Presiding Officer,
I Additional Labour Court,
Chennai-104.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the proceedings in I.D.No.182 of 2014 dated 28.6.2016 on the file of the second respondent and quash the same.

For Petitioner	:	Mr.A.M.Packianathan Easter
For Respondent-1	:	Mr.Mayilai Sugumar



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ORDER

This is a petition filed by the petitioner seeking to quash the award dated 28.6.2016 in I.D.No.182 of 2014 on the file of the second respondent.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. The facts leading to filing of this case are as follows :

(i) The petitioner has been doing missionary activities. They used to give subsidy to the Regional Church Council, Dharmapuri, in which, the husband of the first respondent was an employee. The first respondent used to assist him and she was never appointed to any post either by the petitioner or by its regional agencies. It is the husband of the first respondent, who gave the allowances to her and prepared the salary vouchers of the petitioner. As there were some irregularities found against the services of the first respondent's husband, he was terminated from services on 16.10.2009. As against the termination order, conciliation proceedings were initiated and on 30.8.2011, a settlement was arrived at



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between the petitioner and the husband of the first respondent and a compensation of Rs.70,750/- was paid.

(ii) Contending that she was appointed as a Christianity preacher, that she also did cooking apart from preaching, that however, she was also terminated on 16.10.2009 and that she was also entitled to similar benefits, the first respondent raised an industrial dispute before the second respondent. By the impugned order, the second respondent set aside the termination order and further directed the petitioner to pay a sum of Rs.50,000/- to the first respondent towards compensation in lieu of reinstatement and other benefits. Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner submits that since the first respondent allegedly worked in Dharmapuri, the second respondent had no jurisdiction to try the industrial dispute and that the first respondent, who was appointed as a Christianity preacher, was not a workman and was not entitled invoke the provisions of the Industrial Disputes Act.



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5. The learned counsel for the first respondent submits that the husband of the first respondent was appointed in the petitioner office in the year 1997 on condition that the first respondent must also do all the works along with him. The husband of the first respondent alone was paid the monthly salary, whereas the first respondent was denied the same. Therefore, the petitioner should pay the unpaid salary to the first respondent from January 1997 till 16.10.2009, as she was exploited by the petitioner by doing unfair labour practice.

6. He further submits that since the functions of the petitioner are not limited to Chennai alone and instead, they cover the entire State of Tamil Nadu, the second respondent is well within its jurisdiction to try the industrial dispute.

7. He further submits that the petitioner appointed the first respondent fraudulently, exploited her innocence and ignored her by giving a false promise to both the first respondent and her husband that they would have a bright future if they convert to Christianity and further assured huge salaries



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if they accept the work of propagation of Christianity. Further the petitioner extracted manual works from the first respondent without wage or salary. Ultimately, claiming a sum of Rs.11,24,000/- towards salary and compensation for causing mental and physical agony to her, the first respondent sought to dismiss the writ petition.

8. Heard the learned counsel appearing on either side and perused the materials placed on record.

9. Though the first respondent claim that she was terminated from service of the petitioner on 16.10.2009, there is no material evidence to prove that she was appointed as Christianity preacher in the petitioner organisation. More so, the oral termination is in the year 2009, the first respondent raised the Industrial Dispute before the Labour Court only in the year 2014, which is after a lapse of 4 years, which is beyond the limitation prescribed u/s 2-A (3) of the Industrial Disputes Act.

10. It is brought to the notice of this Court that, pursuant to the order



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passed by the Labour Court, the entire compensation of Rs.50,000/- was deposited by the petitioner to the credit of the industrial dispute. Though the first respondent is not entitled for any other claim, considering the service rendered by the first respondent, she is entitled for a sum of Rs.50,000/- as awarded by the labour Court. Hence, the labour Court is directed to disburse the sum of Rs.50,000/- deposited by the petitioner to the first respondent within a period of four (4) weeks from the date of receipt of a copy of this order.

11. With the above observation and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.8.2023

Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No

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To
The Presiding Officer,
I Additional Labour Court,
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M.DHANDAPANI,J

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