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WP.Nos.27687, 27691 & 27697
of 2018

In the High Court of Judicature at Madras

Dated : 22.9.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition Nos.27687, 27691 & 27697 of 2018
& WMP.Nos.32213, 32216 & 32219 of 2018

1.The Zonal Officer,
Zone XV, No.120,
Rajiv Gandhi Salai
(Old Mahabalipuram Road),
Sholinganallur, Chennai-119.

2.The Corporation of Chennai,
rep.by its Commissioner,
Ripon Buildings, Chennai-3.

...Petitioners in
all the WPs

Vs

R.Armugam

...Respondent in
WP.No.27687 of
2018

D.Kathiravan

...Respondent in
WP.No.27691 of
2018

S.Suresh

...Respondent in
WP.No.27697 of
2018



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Prayer: These petitions are filed under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorari to call for the records on the file on the Presiding Officer respectively in I.D.Nos.328, 326 and 327 of 2012 and quash the impugned orders all dated 14.5.2018 passed by the Presiding Officer, First Additional Labour Court, Chennai-104 as highly illegal and arbitrary.

For Petitioners in
all the WPs : Mr.G.T.Subramanian
For respective Respondent
in all the WPs : Ms.N.S.Tanvi

COMMON ORDER

These petitions are filed by the petitioners seeking to quash the awards all dated 14.5.2018 made respectively in I.D.Nos.328, 326 and 327 of 2012 on the file of the Presiding Officer, First Additional Labour Court, Chennai-104.

2. The facts leading to filing of these cases are as follows :

(i) The respondents were appointed as Overhead Tank Operators in Neelangarai Panchayat on temporary basis during December 2008. They had been continuously working without any break. On 24.10.2011, when



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the respondents had been doing some cleaning work in the office, after which, they went out to have some tea, they saw the thatched shed on the first floor of the office in flames. The respective respondent were blamed for causing the fire. They were arrested by the police after registration of a criminal complaint and sent to prison. But, subsequently, they were released on bail and made repeated requests to reinstate them into service. However, their request was not at all considered. In the meantime, Neelankarai Panchayat got merged with the Chennai Corporation and some of the staff members were absorbed pursuant to G.O.Ms.No.67 dated 18.7.2012.

(ii) Seeking similar treatment, at the instance of the petitioners, conciliation proceedings were initiated, which ended in failure. Therefore, they filed the industrial disputes before the Presiding Officer, First Additional Labour Court, Chennai seeking to set aside the dismissal of the respective respondent and to direct the petitioners to reinstate them as Grade V employees with continuity of service, back wages and other attendant benefits.

(iii) However, the Presiding Officer, by the impugned awards in the respective industrial dispute, directed the petitioners to pay a compensation



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of Rs.1 lakh to each of them in lieu of reinstatement with continuity of service, back wages and other attendant benefits. Challenging the same, the petitioners are before this Court.

3. When the matters came up for admission on 08.11.2018, in WMP.Nos.32213, 32216 & 32219 of 2018, this Court granted an order of interim stay as prayed for subject to condition that the petitioners should deposit a sum of Rs.25,000/- in each of the cases in favour of the Registrar General of this Court within four weeks.

4. The learned counsel for the petitioner submits that admittedly the Neelankarai Panchayat was merged with Chennai Corporation, pursuant to which the employees who were working in the Panchayat and Municipality were absorbed. He further submits that the names of the respondents were not submitted by the Neelankarai Panchayat while handing over the papers to the Corporation of the Chennai during the merger of Neelankarai Panchayat into the Corporation of Chennai. He further submits that when there is no employer-employee relationship between the petitioner and the



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respondents, the awards passed by the Labour Court directing the petitioner to pay a sum of Rs.1,00,000/- to each respondent which is wholly unsustainable. Accordingly, he prayed to allow these writ petitions.

5. The learned counsel for the respondents / workmen submit that the respondents have been victimized for the cause of fire accident for no fault of them. He further submits that though that there was any negligence on their part which may constitute a misconduct, the petitioner management cannot arbitrarily terminate the service of the respondents without conducting any domestic enquiry, which is in violation of the principles of natural justice.

6. Heard the learned counsel for the petitioners and the learned counsel appearing for the respective respondent in these writ petitions.

7. Admittedly, the Assistant Executive Engineer, Unit – 44, Zone 15, Corporation of Chennai, was examined as M.W.1 before the Labour Court, during his chief examination, asserted that the respondents were employed with Neelankarai Panchayat as daily wager. Nevertheless, on the side of the



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respondents, the salary disbursal register and receipt in respect of group insurance containing the names of the respondents also have been marked as Exs.W1 and W2 respectively. Hence, it cannot be said by the petitioner that there is no employer-employee relationship. Upon appreciating the oral and documentary evidences, the Labour Court has passed the awards granting Rs.1,00,000/- compensation to each workmen, which cannot be interfered with.

8. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No

To

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Additional Labour Court,
Chennai-104.



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