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WP.Nos.30352, 30354, 30423,
30424, 30430 & 30435 of 2018

In the High Court of Judicature at Madras

Dated : 30.8.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition Nos.30352, 30354, 30423,
30424, 30430 & 30435 of 2018 &
WMP.Nos.35431, 35436, 35494, 35498, 35501
& 35503 of 2018

Good Shepherd Convent,
rep.by its Superior,
Chennai-6.

...Petitioner in
all the WPs

Vs

Mrs.Indra Rani

...Respondent in
WP.No.30352 of
2018

Mrs.Devi

...Respondent in
WP.No.30354 of
2018

Mrs.Dhanam

...Respondent in
WP.No.30423 of
2018

Mrs.Shankari

...Respondent in
WP.No.30424 of
2018

Mrs.G.Savitri

...Respondent in
WP.No.30430 of
2018



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Mrs.Gowri



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...Respondent in
WP.No.30435 of
2018

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorari to call for the records pertaining to the awards dated 10.9.2018 and made respectively in I.D.Nos.112, 109, 111, 110, 108 and 113 of 2007 on the file of the Third Additional Labour Court, Chennai and quash the same.

For Petitioner in all the WPs	:	Dr.Fr.A.Xavier Arulraj, Sr.c for M/s.Father Xavier Associates
For respective Respondent in all the WPs	:	Mr.S.Ravi

COMMON ORDER

These petitions are filed by the petitioner seeking to quash the awards date 10.9.2018 made in I.D.Nos.108 to 113 of 2007 on the file of the Third Additional Labour Court, Chennai.

2. It is the case of the petitioner that the respective respondent were working as sweepers in the petitioner convent from 1983. They were orally terminated from the services on 30.4.2006. At the instance of the respective



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respondent, conciliation proceedings were initiated, which ended in failure.

Thereafter, the respective respondent filed the industrial disputes seeking to direct the petitioner convent to reinstate them into service and to pay them the back wages from 30.4.2006. In turn, the petitioner convent filed their counters. After contest, by the impugned awards, the Presiding Officer, Third Additional Labour Court, Chennai set aside the oral termination of the respective respondent on 30.4.2006 and directed the petitioner convent to pay the respective respondent lump sum compensation in lieu of reinstatement and all other claims. Challenging the same, the petitioner is before this Court.

3. When the matters came up for admission on 20.11.2018, by separate orders, this Court in WMP.Nos.35431, 35436, 35494, 35498, 35501 & 35503 of 2018, granted an order of interim stay on condition that the petitioner should deposit a sum of Rs.12,000/- each to the credit of the respective industrial disputes within a period of four weeks by making it clear that in case of default, the interim order granted should stand automatically vacated.



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4. The learned Senior counsel appearing for the petitioner submits that though the respective workmen claim that they are sweepers right from the year 1983, they have not produced any document to substantiate their claim. In the absence of any such proof or pleadings, the Trial Court rightly arrived at the conclusion that the workmen are not entitled for reinstatement. He further submits that though the management took a specific plea in their proof affidavit filed before the Labour Court that when there is a necessity for any seasonal work for removing debris or carpentry works, white washing work or electrical work or any other miscellaneous work, the petitioner management used to engage a person as a daily wager and pay the wages then and there, however, without considering such plea and the evidence of M.W.1 marked on behalf of the management, the Labour Court awarded compensation in favour of the workmen which is *per se* unsustainable.

5. The learned counsel for the workmen in respective writ petitions submit that though it is admitted by the petitioner management in their counter affidavit filed before the conciliation officer that the workmen are



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casual labourers who are employed for a period of 15 days in a year, however, no material evidences such as payment vouchers and attendance registers for the period from 1983 till 30.04.2006 were marked before the Labour Court on behalf of the petitioner management to substantiate their claim. Hence, the Labour Court has drawn adverse inference against the petitioner management and passed the Award in favour of the workmen, which cannot be interfered with. He further submits that once the Labour Court has rendered a factual finding after analysing the factual aspects, the same cannot be re-appreciated by this Court under Article 226 of the Constitution of India. Accordingly, he prayed for dismissal of these petitions.

6. Heard the learned Senior Counsel appearing on behalf of the petitioner in all the writ petitions and the learned counsel appearing for the respective respondent in all the writ petitions.

7. As rightly pointed out by the learned counsel for the workmen in respective writ petitions, the Labour Court has threadbare analysed the



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factual aspects, examined the documents marked by either side and then rendered factual findings and the same does not call for any interference as the reasoning given is cogent and legally tenable. Therefore, the challenge in the impugned proceedings by the petitioner management has to necessarily fail. Hence, the petitioner management is directed to pay the compensation as per the impugned awards passed by the the Presiding Officer, Third Additional Labour Court, Chennai dated 10.09.2018 in I.D.Nos.108 to 113 of 2007 along with interest at the rate of 6% from the date of Award till the date of deposit of the said amount.

8. With the above observation, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.8.2023

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Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No



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To
The Presiding Officer, Third
Additional Labour Court,
Chennai.



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M.DHANDAPANI,J

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