



W.P.(MD).No.8191 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8191 of 2017

and

W.M.P.(MD).No.6303 of 2017

The Management
Dindigul District Co-operative Milk Producers Union,
No.9, East Govindapuram,
Dindigul – 1.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Tiruchirappalli.

2.V.Thangaraj

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the award of the Labour Court Tiruchirappalli passed in I.D.No.81/2008 dated 30.12.2016 and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvam

For R-1 : Court

For R-2 : Mr.G.Murugan



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ORDER

This Writ Petition is filed challenging the order passed by the Labour Court.

2. The second respondent has worked as a Casual Labour in the petitioner's Management. The claim of the second respondent is that he has worked for more than 240 days in a particular calendar year and seeks permanency under the Tamil Nadu Permanency Act. On perusal of the affidavit filed by the writ petitioner Management before the Labour Court, it is seen for the year 1992-1993, the petitioner has worked for 180 days only. But, the findings of the Labour Court states 254 days.

3. The learned counsel appearing for the petitioner's Management submitted that the Labour Court has not considered the evidence filed by the petitioner's Management properly.



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4. Therefore, this Court deems it fit to remit back the case to the Labour Court for re-consideration. Hence, the impugned order of the Labour Court dated 30.12.2016 is quashed. The petitioner's Management as well as the second respondent are at liberty to file additional evidence before the Labour Court. The enquiry shall be concluded within a period of six (6) months from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

23.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To
The Presiding Officer,
Labour Court,
Tiruchirappalli.

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S.SRIMATHY, J.

Nsr

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