



WEB COPY



W.P.Nos.25178 and 25179 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.25178 and 25179 of 2008

and

M.P.Nos.1 & 2 of 2008

The State Government of Tamil Nadu,
Department of Sericulture,
Represented by its Asst. Director,
Foulkes Compound, Annai Medu,
Salem 636 601.

... Petitioner in both the petitions

Vs.

1. M.Ramasamy

2. The Presiding Officer,
Labour Court, Salem.

...Respondents in both the petitions

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the orders dated 19.12.2007 made in I.D.No.179/2003 and I.D.No.180/2003,



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respectively on the file of the Labour Court, Salem the second respondent herein and quash the same.

For Petitioner : Mr.K.Surendran,
(in both the petitions) Additional Government Pleader

For Respondents : Mr.K.M.Ramesh, Senior Counsel
(in both the petitions) Asst. by Mr.S.Appunu, for R1
Labour Court - R2

COMMON ORDER

These Writ Petitions are filed with reference to identical awards passed by the Labour Court in I.D.Nos.179 of 2003 and 180 of 2003 and as such taken up together and disposed of by this common judgement.

2. The workman claimed that he was employed on a daily wage basis. While so, between 12.11.2001 to 22.11.2001, he was wrongfully non employed and as such the first dispute. Again on 17.01.2002 to 28.02.2002 he was wrongfully non employed and therefore, the second dispute. By a common award dated 19.12.2007, the claim of the Workman



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was allowed directing the petitioner Management to pay wages for the said periods and with continuity of service.

3. The Workman has been reinstated with continuity of service.

With reference to different periods, there are other disputes which were raised by the workman that are being dealt with by different orders. As far as the present period is concerned, the only contention which is raised by the learned Additional Government Pleader is that the petitioner is an arm of the Department of the Government with no commercial activity and as such the award could not have been passed by the Labour Court. The said question has already been decided by this Court by the order in W.P.No.41897 of 2006 against the Management. As such I do not find any merits in the claim of the learned Additional Government Pleader and the award of the Labour Court is liable to be confirmed.

4. It is also stated by the learned Additional Government Pleader based on the written instructions received by him that the wages for the present period covered in the present award has also been paid. The said



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position is disputed by the learned counsel for the Workman on the ground that no proof is filed.

5. In view of the findings, these Writ Petitions are disposed of with the following terms:

i) The impugned common award of the Labour Court dated 19.12.2007 made in ID.Nos.179 & 180 of 2003 are confirmed.

ii) The submission made by the learned Additional Government Pleader that in respect of the period to which the Labour Court had directed the payment of wages have been complied with, is recorded.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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(2/2)

Neutral Citation : No



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To

The Presiding Officer,
Labour Court, Salem.



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D.BHARATHA CHAKRAVARTHY, J.

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