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W.P.No.13680 of 2005

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 11.11.2024**

**Coram**

**The Honourable Mr.Justice D.BHARATHA CHAKRAVARTHY**

**W.P.No.13680 of 2005  
and W.P.M.P.No.14985 of 2005**

The Block Development Officer,  
Ammapettai Panchayat Union,  
Ammapettai, Thanjavur District.

...Petitioner

Versus

1.Bagyavathiammal alias Sowbagyawathi

2.The Personal Assistant to the  
District Collector, (Midday Meal),  
Thanjavur,  
Thanjavur District.

3.K.Viswanathan

4.P.Pasupathi

5.The Headmaster,  
Panchayat Union Primary School,  
Nainthalur, Thittai Post,  
Thanjavur District.

6.Gandhimathi

7.The Presiding Officer,  
Labour Court, Cuddalore.

...Respondents



W.P.No.13680 of 2022

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the 6<sup>th</sup> respondent in relation to the award passed in C.P.No.268 of 2000 dated 26.06.2002 and quash the same.

For Petitioner : Mr.R.Neethi Perumal,  
Government Advocate

For Respondents – 1 &  
3 to 7 : No Appearance

For Respondent – 2 : Mr.K.Surendran,  
Additional Government Pleader

### **ORDER**

This writ petition has been filed by the petitioner challenging the award passed in C.P.No.268 of 2000 dated 26.06.2022 by the seventh respondent/Labour Court.

2. The first respondent had filed the aforesaid C.P.No.268 of 2000 before the Labour Court, Cuddalore, claiming wages and the same was allowed by the Labour Court.



3. According to the learned counsel for the petitioner, the first respondent is a regular Government servant working in the Noon Meal Scheme and upon misconduct, disciplinary proceedings were initiated against her and she was removed from service in the year 1984. Hence, the first respondent preferred an appeal to the District Collector, Thanjavur District. On 22.06.1985, the said appeal was allowed and the matter was remanded back. Pursuant to the same, the first respondent was reinstated into service. While so, by order dated 31.07.1989, the third respondent removed the first respondent from service. Again, on appeal, by order dated 04.12.1989, the District Collector directed the educational authorities to reinstate the first respondent in service. Despite the order of District Collector, the first respondent was not reinstated. Therefore, the first respondent had raised an industrial dispute in I.D.No.413 of 1992 before the Labour Court, Cuddalore. On 18.12.1997, the Labour Court passed an award in I.D.No.413 of 1992, directing the petitioner to reinstate the first respondent in service with continuity and monetary benefits. Even thereafter, the petitioner did not reinstate the first respondent into service. Hence, the aggrieved first respondent had filed the aforesaid claim petition.



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4. The contention of the learned counsel for the petitioner is that since the first respondent is a regular Government servant, the Labour Court itself has no jurisdiction to entertain the dispute raised by the first respondent and the very award passed by the Labour Court itself is illegal and therefore, the consequential claim petition is also not maintainable. Hence, the learned counsel prayed this Court to interfere with the award passed by the Labour Court.

5. I have considered the submissions made by the learned counsel for the petitioner and perused the materials placed before this Court.

6. It can be seen from the pleadings in paragraph no.2 of the affidavit that it is not categorically pleaded by the petitioner that the first respondent is a Government servant. On the other hand, it has been pleaded that the first respondent was working in a Noon Meal Scheme. Therefore, whether the first respondent was a regular Government servant or only a scheme employee or a person working in a scheme under the Block Development Officer, such plea should have been raised in the Industrial Dispute.



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7. The award passed in I.D.No.413 of 1992 went against the petitioner. When the award passed by the Labour Court has become final and if the petitioner is not complying the said award, naturally, the first respondent would file a claim petition and the same will be allowed by the Labour Court. Therefore, I do not find any error whatsoever in the order passed in C.P.No.268 of 2000, which is passed only as a consequential order to the award passed in I.D.No.413 of 1992, computing the benefits flowing from the said award.

8. In the result, this writ petition is dismissed and the order passed by the Labour Court, Cuddalore in C.P.No.268 of 2000 dated 26.06.2002 is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

**11.11.2024**

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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**D.BHARATHA CHAKRAVARTHY, J.**

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