



WEB COPY



*C.M.P.No.12838 of 2024
in W.A.SR.No.78092 of 2024*

C.M.P.No.12838 of 2024
in W.A.SR.No.78092 of 2024

R.SUBRAMANIAN, J.
AND
C.KUMARAPPAN, J.

(Order of the Court was made by *R.SUBRAMANIAN, J.*)

This petition has been filed by the individuals, claiming themselves to be persons entitled to the benefit of Award of the Industrial Tribunal made in I.D.No.5 of 2014, on the premise that they had completed 5 years of service as on 05.03.2012 in the first respondent/Organization.

2. The necessity for this petition arose because of the stand taken by the Management that one Mr.R.Arochiam Kalaimathi, who has signed as the President of the JIPMER Hospital Employees Union, Puducherry, was not the President of the Union on the date when the Writ Appeal in W.A.No.3187 of 2023 was present.

3. The present President of the Union has not come forward to prosecute the appeal. The Union espouses the cause of these employees, who were



*C.M.P.No.12838 of 2024
in W.A.SR.No.78092 of 2024*

serving on a temporary basis on daily wages and sought for regularization. The ability of the Union to raise such an Industrial Dispute was not directly questioned. The Tribunal passed an Award favouring the workmen, directing regularization of all workmen who had completed 5 years of service as on 05.03.2012. This Award was questioned in W.P.No.29865 of 2017 by the Management. The Union was shown as the first respondent therein. The same person represented the Union before the Writ Court. The Writ Petition was allowed, resulting in quashing of the Award of the Industrial Tribunal, which meant that a benefit, that was conferred on the workers, was withdrawn. Now in the appeal, it is contended by the Management that the signatory to the affidavit and other proceedings before this Court in the appeal is no longer the President of the Union and the present office bearers have not come forward to prosecute the appeal. Merely because the Union is not prosecuting the matter, the employees, who had been conferred a benefit by the Industrial Tribunal, cannot be left high and dry. They must be given an opportunity to challenge the orders of this Court, quashing the Award of the Industrial Tribunal. If the appeal by the Union is defective, then the individual employee should be allowed to challenge the order of the Writ Court.



*C.M.P.No.12838 of 2024
in W.A.SR.No.78092 of 2024*

4. In such view of the matter, this Civil Miscellaneous Petition is allowed.

Leave is granted to file an appeal. We make it clear that allowing of this petition will not confer any right on any of the 547 persons listed as petitioners. In the event of their success in the appeal, they will be entitled to the benefits of the Award of the Industrial Tribunal only if they are able to satisfy the requirement that they have completed 5 years of service.

5. Registry is directed to number the appeal filed by the workmen, if it is otherwise in order and list both the appeals together on 13.12.2024, immediately after motion.

(R.S.M, J.) (C.K, J.)

27.11.2024

Sni



WEB COPY



*C.M.P.No.12838 of 2024
in W.A.SR.No.78092 of 2024*

R.SUBRAMANIAN, J.
AND
C.KUMARAPPAN, J.

Sni

C.M.P.No.12838 of 2024
in W.A.SR.No.78092 of 2024

27.11.2024