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W.P.(MD)No.17604 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.17604 of 2018

and

W.M.P.(MD)No.15473 of 2018

The Tamil Nadu Water Supply and Drainage Board,
Rep.by its Executive Engineer,
Maintenance Division,
Trichy.

... Petitioner

Vs.

1.P.Annavi
2.Rajamani
3.Mahamuni
4.Kaliyamoorthy
5.Palanisamy
6.Kamatchi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed in I.D.No.18 of 2006 dated 25.09.2017 by the Labour Court, Trichy and quash the same.

For Petitioner : Mr.B.Vijay Karthikeyan
For R1 to R6 : No Appearance

ORDER

This writ petition has been filed challenging the order passed in I.D.No.

18 of 2006 dated 25.09.2017.



2.The first respondent in this petition, namely Annavi, claimed to be the worker under TWARD Board, Trichy maintenance division. He was orally terminated from service on 01.03.2000. Challenging the said oral termination order and seeking permanent status, he has filed a claim petition. However, during the pendency of the claim petition, he passed away on 27.03.2009. Thereafter, his legal heirs were impleaded in the claim petition.

3.The contentions of the petitioner Board is that the Board has not engaged the services of the deceased Annavi and they have not even paid any amount towards salary to the deceased. However, he submits that the deceased was engaged by the contractor, who was engaged by the petitioner. Further, he submits that the Board has not at all issued any order terminating the services of the said Annavi. Though a detailed counter affidavit has been filed by the petitioner, without considering the said aspects, the lower Court passed an award directing the petitioner to pay a sum of Rs.1 lakh as compensation amount from the date of termination. According to the petitioner, it is nothing but a clear non application of mind. Hence, the said order is liable to be set aside.

4.Though notice was ordered to the respondents, none appeared on behalf of the respondents either in person or through counsel before this court.



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5. Heard the learned counsel for the petitioner and perused the materials placed on record.

6. The award passed by the lower Court is dated 25.09.2017. Before the lower Court, Ex.A1 to Ex.A13 were produced as documents and P.W.1 to P.W.3 were examined to substantiate the case of the claimants. However, to substantiate the case of the TWARD Board, no oral and documentary evidences were produced.

7. The lower Court after perusing the documents placed on records and the submissions made on either side, has arrived at a categorical finding that the original claimant, viz., Annavi had worked with the petitioner TWARD Board based on Ex.A1 and Ex.A2, certificates issued by the Assistant Engineer. The Chief Engineer has also issued a certificate in favour of the claimant, which was marked as Ex.A4 and the Panchayat President has also issued a certificate in favour of the claimant, which was marked as Ex.A3.

8. Based on above said documents and the depositions of P.W.1 to P.W.3, the Lower Court has arrived at a categorical finding on the issue of employment of the claimant that the deceased claimant had worked under the



W.P.(MD)No.17604 of 2013

petitioner/TWARD Board and he was orally terminated from service without any notice. The finding of the lower Court was not merely based on any oral submission but also based on the documentary evidences adduced by the claimant and the deposition of P.W.2 to P.W.3. On the other hand, to refute the contention of the claimants, the petitioner herein had not filed any documents.

9. In such circumstances, this court does not find any error in the decision making process of the lower Court and this Court is not inclined to interfere with the well reasoned award passed by the trial Court. Accordingly, this Writ Petition is dismissed. The petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the respondents along with interest at the rate of 6% from the date of award till the date of deposit within a period of six weeks from the date of receipt of a copy of this order. If the petitioner fails to pay the amount within the time stipulated above, the petitioner shall pay the award amount along with 9% interest from the date of oral termination till the date of payment. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

Index:yes/no
Internet:yes/no
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W.P.(MD)No.17604 of 2018

To

1.The Labour Court, Trichy

2.Rajamani,
W/o.Annavi
Ayyarmalai Post,
Kulithalai Taluk,
Karur District.

3.Mahamuni
S/o.Annavi,
Ayyarmalai Post,
Kulithalai Taluk,
Karur District.

4.Kaliyamoorthy
S/o.Annavi,
Ayyarmalai Post,
Kulithalai Taluk,
Karur District.

5.Palanisamy
S/o.Annavi,
Ayyarmalai Post,
Kulithalai Taluk,
Karur District.

6.Kamatchi
D/o.Annavi,
Ayyarmalai Post,
Kulithalai Taluk,
Karur District.



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W.P.(MD)No.17604 of 2018

KRISHNAN RAMASAMY, J.

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W.P.(MD)No.17604 of 2018

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