



W.P.No.11182 of 2011

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.11182 of 2011
and M.P.No.1 of 2011**

V.Damodaran
Proprietor of Sri Damodharan Bus Service,
No.20, Valayalakara Street,
Tiruvannamalai.

... Petitioner

Vs.

1. The Presiding Officer,
Principal Labour Court,
Vellore,
Vellore District.

2.M.R.Kasilingam (Died)

3.Devaki

4.Malliga

5.Geetha

6.Ramesh

7.Selvi

... Respondents



W.P.No.11182 of 2011

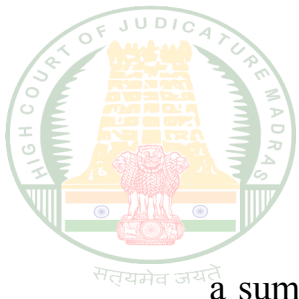
PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the award passed by the first respondent in I.D.No.279 of 2003 dated 25.01.2011 and quash the same.

For Petitioner : Mr.L.Sekar
For Respondents : R1-Court
R2-Died (Steps due to bring LR's)
No appearance for R3 to R7

ORDER

This Writ Petition has been filed challenging the award dated 25.01.2011 passed in I.D.No.279 of 2003 by the first respondent, namely, the Principal Labour Court, Vellore.

2. The facts of the case are that the second respondent joined the service in the petitioner Management on 05.04.1970 as bus conductor and the Management has paid Rs.25/- per day as daily batta initially and also paid Rs.50/- daily batta for checking and the Management also gave an assurance that a sum of Rs.1,500/- will be paid per month as salary as well



W.P.No.11182 of 2011

WEB COPY

a sum of Rs.3,000/- will be paid per month for checking, but the petitioner Management did not pay the amount as assured by them and the second respondent was paid only lesser amount. Thereafter, the petitioner Management, without assigning any reason, stopped the service of the second respondent and thereby, he raised an Industrial Dispute before the Labour Court, Vellore and during the pendency of this petition, the second respondent died and the respondents 3 to 7 were added as legal representatives of the deceased. The Labour Court, after considering the evidence adduced by the petitioner Management and the second respondent/workman, dismissed the petition filed by the workman and ordered for compensation of Rs.15,000/- to each of the respondents 3 to 7. Challenging the compensation awarded by the Labour Court, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that though the Labour Court has dismissed the Industrial Dispute raised by the legal heirs of the workman, a sum of Rs.15,000/- to each of the



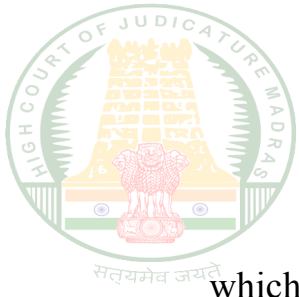
W.P.No.11182 of 2011

WEB COPY

respondents 3 to 7 was ordered which is not sustainable one. Hence, he prays for allowing this writ petition.

4. Heard the learned counsel appearing for the petitioner. Though notice was sent to the respondents 3 to 7, no one appeared on behalf of the respondents 3 to 7.

5. Though the petitioner Management denied employment of the deceased/employee, in the written statement filed by the petitioner Management before the Industrial Tribunal, it has been stated that the deceased/employee was abandoned from service which would show that the deceased/employee was employed in the petitioner Management. However, during the pendency of the Industrial Dispute, the employee died and the legal heirs of the employee were impleaded as parties and therefore, ordering for reinstatement does not arise. Hence, the Labour Court, by exercising the power available under Section 11A of the Industrial Disputes Act, has awarded a sum of Rs.15,000/- to each of the respondents 3 to 7



W.P.No.11182 of 2011

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which is perfectly in order and does not require any interference by this Court.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

17.02.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Presiding Officer,
Principal Labour Court,
Vellore,
Vellore District.



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W.P.No.11182 of 2011

M.DHANDAPANI, J.

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W.P.No.11182 of 2011

17.02.2025