



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.12355 of 2012

V.Vijayan

... Petitioner

-VS-

1.The Management
Hung Send Dental Clinic,
No.10, Evening Bazar
Park Town, chennai-3.

2. The III Additional Labour Court,
High Court Building,
Chennai-104.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent issued the impugned order dated 28.10.2010 and quash the same as null and void and against the principle of natural justice and consequently, directing the first respondent herein to reinstate the petitioner in service as clinic assistant with service and monetary benefits.

For Petitioner	:	Mr.V.Muthu for M/s.G.Thangavel
For Respondents	:	No appearance - R1 R2 - Court

ORDER

The writ petition has been filed seeking to quash the award passed by the second respondent dated 28.10.2010 and consequently, directing the first respondent herein to reinstate the petitioner in service as clinic assistant with



service and monetary benefits.

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2. It is the case of the petitioner that he was joined as Clinic Assistant in the first respondent Dental Clinic on 10.10.1989 and he has been receiving the daily wages of Rs.30/- for two years. Thereafter, the first respondent has paid a sum of Rs.900/- as monthly salary. From the year 1998 onwards, the monthly salary was enhanced to Rs.6000/- per month. There was a dispute between the petitioner and the Management as the petitioner sought for enhancement of the deepavali bonus, for which, the management prevented him to work from 16.01.2003 onwards. Therefore, the petitioner has filed a petition before the Labour Court and the same was taken on file in ID. No.667/2003. However, the petition was dismissed on 28.10.2010. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner insisted for enhancement of deepavali bonus and monthly salary, due to which, a dispute arose between the parties and the first respondent has orally terminated the petitioner. Thereafter, he has made an application to continuity of service. Whereas the first respondent has rejected the same. Hence, this Court may fix the reasonable compensation to the petitioner as he has rendered more than 20 years of service. The learned counsel seeks to quash the impugned order



and allow the writ petition.

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4. Heard the learned counsel for the petitioner and perused the materials available on records. Though notice has been serviced on the first respondent, no one appeared on his behalf.

5. A perusal of the award passed by the Labour Court, shows that the petitioner has not proved his employment with the first respondent for 240 days and he has not produced any single document with regard to his avocation with the first respondent. In the absence of any proof, there is no question of compensation to the petitioner. The Labour Court has also elaborately discussed the issue and dismissed the petition, which is perfectly in order and the same does not warrant any interference.

6. With the above discussion, the writ petition is dismissed. No costs.

10.02.2025

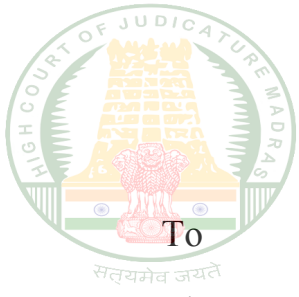
Rli

M.DHANDAPANI, J.

Rli

Index: Yes/No

NCS : Yes/No



To

The III Additional Labour Court,
High Court Building,
Chennai-104.

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