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W.P.No.19910 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19910 of 2015

And

M.P.No.1 of 2015

D.Srinivasan

... Petitioner

Vs.

The Transport Corporation Employees
Co-operative Thrift and Credit Society Ltd., X.367,
Rep. by its Managing Director,
No.10, Rathna Nagar,
Teynampet,
Chennai – 600 018.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the learned First Additional Labour Court at Chennai and set aside the award dated 16.02.2015 made in I.D.No.319 of 2010 insofar as declining to order reinstatement of the petitioner with effect from 22.11.2007 with applicable backwages from that date along with continuity of service of the petitioner along with consequential benefits.

For Petitioner : Mr.V.Saravanan

For Respondent : Mr.R.Murugabharathi



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the First Additional Labour Court at Chennai and set aside the award dated 16.02.2015 made in I.D.No.319 of 2010 insofar as declining to order reinstatement of the petitioner with effect from 22.11.2007 with applicable backwages from that date along with continuity of service of the petitioner along with consequential benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Office Assistant on daily wage basis in the respondent society vide order dated 01.07.2006 and was appointed on consolidated pay vide order dated 02.05.2007 and was orally terminated from service on 22.11.2007. Thereafter, the petitioner raised industrial disputes in I.D.No.319 of 2010 before the Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947 seeking reinstatement in service with backwages, continuity of service with all other attendant benefits and the Labour Court arrived at the conclusion that the petitioner was terminated without following Section 25-F and Section 25-G of the Industrial Disputes Act, however, the Labour Court passed award dated 16.02.2015 directing the respondent



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to pay compensation to the petitioner calculated at the rate of 15 days salary from the date of appointment 01.07.2006 till the date of award, which is not sustainable one.

3.The learned counsel appearing for the respondent submitted that admittedly the petitioner was appointed as Office Assistant on daily wage basis in the respondent society vide order dated 01.07.2006 and was appointed on consolidated pay vide order dated 02.05.2007, however, his appointment was made contrary to Sub Clause (2) of Tamil Nadu Co-operative Societies Rules, 1988 and hence, the petitioner was terminated from service on 22.11.2007.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.Admittedly the petitioner was appointed as Office Assistant on daily wage basis in the respondent society vide order dated 01.07.2006 and was appointed on consolidated pay vide order dated 02.05.2007, however, his appointment was made contrary to Tamil Nadu Co-operative Societies Rules, 1988 and hence, the petitioner was



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terminated from service on 22.11.2007. Since the petitioner was terminated without following Section 25-F and Section 25-G of the Industrial Disputes Act, the Labour Court passed award directing the respondent to pay compensation to the petitioner calculated at the rate of 15 days salary from the date of appointment 01.07.2006 till the date of award, which warrants no interference.

6.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2025

pri

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

To

The Transport Corporation Employees
Co-operative Thrift and Credit Society Ltd., X.367,
Rep. by its Managing Director,
No.10, Rathna Nagar,
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M.DHANDAPANI,J.
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