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W.P. No.5395 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.5395 of 2022

B. Lalitha D/o. Balarama Reddy .. Petitioner

vs.

Madras Egmore Lions Blood Bank and
Research Foundation,
represented by its Chief Executive Officer,
130, Marshalls Road, Egmore,
Chennai-600 008. .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the concerned records from the Principal Labour Court, Chennai and quash the Award passed by the Principal Labour Judge, Chennai dated 31.08.2021 in I.D. No.107 of 2017 as illegal, arbitrary, contrary to law and consequently direct the respondent to reinstate the petitioner with full backwages, continuity of service and all other attendant benefits.

For Petitioner : Mr. Balan Haridas

For Respondent : Mr.Sai Prasath for



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M/s. Sai Raaj Associates.

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ORDER

This Writ petition has been filed by the petitioner to quash the order passed by the Labour Court in I.D. No.107 of 2017 dated 31.08.2021, wherein the petitioner herein raised an industrial dispute as against the respondent herein and the same was dismissed by the Labour Court. Aggrieved over the said order, the present Writ petition has been filed.

2. **The short facts necessary to dispose the Writ petition are as follows:**

The petitioner was appointed in the respondent Management on 01.06.2010 as 'Material Manager'. While so, the Management illegally terminated the petitioner from service through an order dated 29.07.2016. The service of the petitioner was retrenched in an unjust manner and her junior was retained, but her service was terminated. Therefore, the petitioner raised an industrial dispute before the Labour Court for the illegal termination in I.D. No.107 of 2017 and the Labour Court dismissed the industrial dispute. Against which, the present Writ petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Material Manager in the respondent Management on 01.06.2010 and thereafter, she was illegally terminated from



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service on 29.07.2016 on the ground that the respondent is in the process of automation of various activities and her position has become oscillate and therefore her service could not be utilized. In fact, now the above said work is being done by her Junior. Before the Labour Court, the petitioner was examined as witness on the side of the petitioner and marked Ex.W1 to Ex.W.5 and on the side of the respondent, one witness was examined and Ex.M.1 to Ex.M.9 were marked. The Labour Court erroneously dismissed the petition. The respondent mainly raised objection before the Labour Court that the respondent is not an 'Industry' within the meaning as defined under Section 2(j) of the Industrial Disputes Act and the petitioner was working as 'Materials Manager' and drawing wages in excess of Rs.10,000/- per month and discharging Managerial / Supervisory functions and therefore, the petitioner does not come under the meaning of 'workman' prescribed under Section 2(s) of the Industrial Disputes Act. According to the respondent, recently, several private blood banks are providing blood and various hospitals have also started their own blood banks to cater to the needs of the patients and this has reduced substantial work in the respondent Management and the Management decided that the job done by the petitioner can be done by the Assistant and therefore, the petitioner has become surplus and

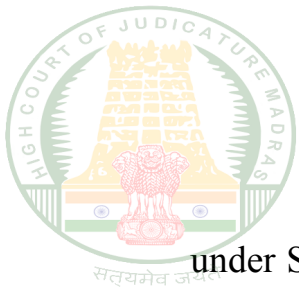


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therefore, she was retrenched with effect from 20.07.2016. While retrenching her, one month notice pay along with retrenchment compensation was given to the petitioner. The above contentions of the respondent are devoid of any merit and the Labour Court also rendered findings that the respondent comes within the meaning of 'Industry' under Section 2(j) of the Industrial Disputes Act and the petitioner also comes under the definition under Section 2(s) of the Industrial Disputes Act as a 'workman'. However, the Labour Court erroneously dismissed the industrial dispute by holding that the retrenchment order issued by the respondent is supported by bonafide reasons and while issuing the retrenchment order, the respondent has complied with the condition under Section 25(F) and (G) of the Industrial Disputes Act. Moreover, the respondent Management admitted that the work done by the petitioner is now being taken care by an another person. Therefore, the above said order passed by the Labour Court is erroneous and the same is liable to be quashed.

4. The learned counsel appearing for the respondent would submit that the respondent is not coming within the definition of 'Industry' as enumerated



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under Section 2(j) of the Industrial Disputes Act. The petitioner was working as 'Material Manager' and she will not come under the definition of 'workman' as defined under Section 2(s) of the Industrial Disputes Act. The petitioner was also assisted by one Assistant. Due to the increase of Blood banks, work requirements from various vendors were substantially reduced. Therefore, job of the petitioner became surplus and hence, she was terminated by the respondent Management after following the due procedure. Though the Labour Court has rendered findings that the respondent Management comes under the purview of 'Industry' under Section 2(j) of the Industrial Disputes Act and the petitioner also comes under the purview of 'workman' as defined under Section 2(s) of the Industrial Disputes Act, the industrial dispute filed by the petitioner was dismissed by the Labour Court on the ground that as the post of the petitioner became surplus, the petitioner was terminated by following the due process of law, the respondent has not challenged the said order. Therefore, the Labour Court has correctly dismissed the petition. Hence the present Writ petition is liable to be dismissed.

5. Heard both sides and perused the entire materials available on record.



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6. In this case, there is no dispute that the petitioner was working under the respondent Management. The main contention raised by the petitioner is that she was terminated from service without any notice and the same is violation of Section 25(F) and 25(G) of the Industrial Disputes Act and the termination is the act of victimisation. Before the Labour Court, the petitioner was examined as a witness on the petitioner's side and 5 documents were marked. On the side of respondent, one witness was examined and 9 documents were marked. Though the respondent has raised maintainability of the petition on the ground that the respondent Management does not come under the definition of 'Industry' as defined under Section 2(j) of the Industrial Disputes Act and the petitioner will not come under the purview of 'workman' as defined under Section 2(s) of the Industrial Disputes Act, as the petitioner was appointed as 'Material Manager' and assisted by another Staff, the Labour Court rendered findings after assigning adequate reasons and the same were not challenged by the respondent Management, hence, this Court need not go into that aspect.

7. As far as the violation of Section 25(G) of the Industrial Disputes Act is concerned, the petitioner herself admitted that along with termination



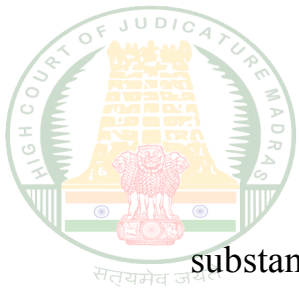
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order, retrenchment compensation also paid by the respondent Management vide a Cheque and the same was also encashed by the petitioner and even now, the post was not filled up by the respondent Management and the same was taken care by her assistant Anitha Mary as additional work. Therefore, the respondent has complied with the condition as contemplated under Section 25(G) of the Industrial Disputes Act.

8. As far as the compliance of Section 25(F) of the Industrial Disputes Act is concerned, it is an admitted fact that the petitioner was assisted by an Assistant and now, she is only taking care of the work done by the petitioner and no fresh appointment was made in the place of the petitioner. It is also an admitted fact that the Assistant namely Anitha Mary joined after the joining of service by the petitioner and she had assisted the petitioner. Therefore, both of them are not in the same cadre of posts. Therefore, retaining Anitha Mary, who was the Assistant to the petitioner, cannot be considered as violation of Section 25(F) of the Industrial Disputes Act, since both the posts fall under different categories.

9. As far as the retrenchment is concerned, as per the respondent Management, procurement of materials from various vendors had



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substantially reduced and in order to prove the same, the respondent Management had produced Income Tax returns. After a careful perusal of the said documents, the Labour Court came to a conclusion that the respondent has got every right to maintain an appropriate labour force according to their business requirement. Therefore, there is no any material to prove the victimisation.

10. Admittedly, the post of the petitioner was not filled up till date. Therefore, the retrenchment order issued by the respondent Management is for the bonafide reasons. The Labour Court also elaborately discussed about the maintainability and decided that there is no any victimisation and the retrenchment is bonafide and not vitiated by any unfair practice. Therefore, the order impugned passed by the Labour Court is in accordance with law and it does not warrant interference.

11. In view of the above discussions, this Court is of the opinion that the Writ petition has no merits and deserves to be dismissed.

12. Accordingly, the Writ petition is dismissed. There shall be no



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order as to costs.

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Index : Yes/No

Speaking order/non-speaking order

mjs

To

Madras Egmore Lions Blood Bank and
Research Foundation,
represented by its Chief Executive Officer,
130, Marshalls Road, Egmore,
Chennai-600 008.

P. DHANABAL, J.,



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