



W.P.No.6048 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.6048 of 2025

and

W.M.P.Nos.6648 & 6651 of 2025

The Executive Officer,
Jambai Town Panchayat,
Jambai Post, Bhavani Block,
Erode District.

... Petitioner

Vs.

1.S.Valli

2.The Assistant Director of Town Panchayat,
Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned award dated 15.05.2024 on the file of the Presiding Officer, Labour Court, Salem in I.D.No.16 of 2016 and to quash the same as illegal and not in accordance with law.

For Petitioner : Mr.V.Jayaprakash Narayanan

For Respondents : Notice dispensed with

ORDER



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This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the entire records relating to the impugned award dated 15.05.2024 on the file of the Presiding Officer, Labour Court, Salem in I.D.No.16 of 2016 and to quash the same as illegal and not in accordance with law.

2. Since no adverse order has been passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that, the 1st respondent was initially appointed by the Town Panchayat Council as a sanitary worker on daily wage basis at the petitioner town panchayat in November 2001 for maintaining the paid toilets in bus stand in the petitioner Town Panchayat and market and she was being paid a total sum of Rs.800/- per month. There was no fixed time limit for completing the work and it was purely a part-time temporary employment and she was never appointed in any sanctioned post by the competent authority by following established procedures. Whiles, being a daily wage employee, the 1st respondent had taken a long leave without getting proper permission, therefore, she was orally removed from employment on 19.06.2013. Thereafter, the 1st



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respondent had filed a petition u/s 2(A) of the Industrial Disputes Act (in short 'the I.D. Act'), seeking reinstatement, back wages and to regularize her employment before the Labour Court in I.D.No.16 of 2016 and the Labour Court allowed the same by way of an *ex-parte* order dated 13.06.2018. Aggrieved by the same, the petitioner had filed a writ petition in W.P.No.17167 of 2019 challenging the *ex-parte* order and this court, by its order, dated 24.11.2023, set aside the *ex-parte* order and remitted the matter back to the Labour Court for passing fresh orders. Again, the Labour Court had passed the impugned *ex-parte* award dated 15.05.2024 in favour of the 1st respondent. Challenging the same, the present writ petition has been filed.

4. Learned counsel appearing for the petitioner submitted that the present writ petition is filed solely on the ground that, no opportunity was given to the petitioner to putforth the case before the Labour Court, which is a clear violation of principles of natural justice. Accordingly, he prays for appropriate orders.



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

6. The facts in the present case is not in dispute. As per the petitioner's counter statement filed before the Conciliation Officer, the 1st respondent/workman was given job on consolidated pay of Rs.2,100/- vide resolution No.61/2010 dated 16.06.2010. Thereafter, the consolidated pay was increased to Rs.3,000/- vide resolution No.105/2011 dated 02.11.2011. Even as per the counter statement filed by the petitioner before the Conciliation Officer, the 1st respondent/workman worked upto 07.06.2013. Such a statement itself is a conclusive proof to hold that the 1st respondent/workman is in continuous employment for 480 days in 2 calendar year. Considering the same, the Labour Court had rightly passed award in favour of the 1st respondent, which cannot be said to perverse, illegal or arbitrary. Hence, this writ petition is liable to be dismissed.



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7. Accordingly, this Writ Petition is dismissed. No costs.

WEB COPY Consequently, the connected writ miscellaneous petitions are closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1.The Presiding Officer,
Labour Court,
Salem.

2.The Assistant Director of Town Panchayat,
Erode.



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M.DHANDAPANI, J.

sp

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