



W.P.No.205 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.205 of 2016

Benjamin Franklin

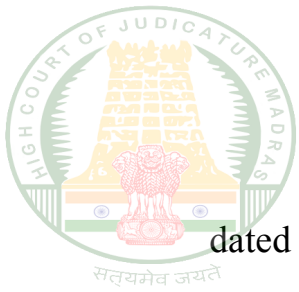
...Petitioner

Vs.

1. The Presiding Officer,
First Additional Labour Court,
City Civil Court Buildings,
High Court Campus,
Chennai - 600 104.
2. The Management of Caruna Bal Vikas,
Rep. by is Secretary,
Plot No.6, Sri Ram Nagar Colony Extn,
Selayur, Camp Road, East Tambaram,
Chennai - 600 073.
3. The Country Director,
Carunal Bal Vikas,
No.25, Mc Nicholas Road,
Golden Towers, Chetpet,
Chennai - 600 031.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Award dated 15.12.2012 passed by the 1st Respondent Labour Court, Chennai in I.D.No.23 of 2005 and consequential order



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dated 19.01.2011 passed in I.A.No.155 & 156 of 2011 and to quash the same and for consequential direction to the 2nd respondent Management to reinstate the petitioner in service with full backwages, continuity of services and including all other attendant benefits.

For Petitioner	: Mr.V.Govardhanan for M/s.Row and Reddy
For R1	: Court
For R2	: Mr.Ravi Paul (Senior Counsel) for M/s.Paul & Paul
For R3	: No appearance

ORDER

The petitioner, who has lost his chance before the Labour Court has filed this writ petition seeking to quash the said order and direct reinstatement along with other attendant benefits.

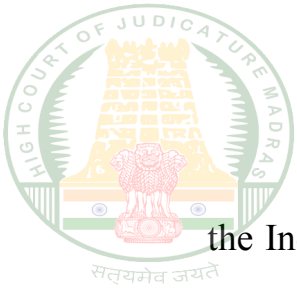
2. The second respondent was a charitable institution catering to the needs of poor people and Christians. The respondent is registered under the Societies Registration Act. Its main objective is empowering the welfare of children among the down trodden Christian community. The petitioner joined the second respondent charitable institution on 02.09.1996. The petitioner was charged for a grievous offence for he misbehaved with a female staff and tried to molest. The petitioner was therefore removed from service. Challenging this first removal, the petitioner raised an industrial dispute. The charitable institution took an



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objection that it was not an industry and that the petitioner was not a workman. The charge against the petitioner was serious in nature and the same stood proved in the domestic enquiry. The Labour Court on an analysis of the materials available before it rejected the prayer of the petitioner seeking reinstatement. This writ petition is filed challenging the same.

3. Admittedly, the second respondent herein was a charitable institution engaged in the welfare of children among downtrodden and Christian community. Ex.W.21 marked before the Labour Court is a copy of the registration of the institution under Tamil Nadu Societies Registration Act. A charitable institution cannot be termed as an industry. No commercial activity is being done there and the services rendered in a charitable institution is for the welfare of the society without expecting anything in return. The institution is engaged in child development activities focusing on children belonging to the lower strata of Society and in particular Christian community. Therefore, the finding of the Labour Court that the second respondent is not an industry is acceptable and the same is confirmed. The question whether the petitioner can be termed as a workman as defined under Section 2(s) of



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the Industrial Disputes Act, 1947 is also answered against the petitioner.

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The petitioner was engaged as a representative of the institution having supervisory powers over the project staff and their activities concerning the project. The petitioner was not performing any technical or physical activity to bring him within the ambit of the definition of the “Workman”. Even going by the evidence of the petitioner his nature of duties were supervisory and managerial in nature. Therefore, the finding of the Labour Court that he was not a workman is confirmed.

4. The charge laid against the petitioner is also serious in nature. He had misbehaved with a co-staff and tried to molest her. The same is also proved by the evidence adduced by the victim and others. Therefore, the order of removal from service cannot be stated to be excessive.

5. The learned counsel for the petitioner submitted that the petitioner had put in nearly eight years of unblemished service and that he can prove his innocence before the Criminal proceedings.

6. Considering the fact that the petitioner has put in eight years of service with the second respondent. This Court directs the second



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respondent to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as compensation within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observation, this writ petition is disposed of. No costs.

01.04.2025

rap

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

To

The Presiding Officer,
First Additional Labour Court,
City Civil Court Buildings,
High Court Campus,
Chennai - 600 104.



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M.DHANDAPANI., J.

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