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W.P.Nos.3566, 3567, 3568 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.3566, 3567, 3568 of 2015

And

M.P.Nos.1 to 1 of 2015

The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.

... Petitioner in all the W.Ps.

Vs.

1.The Presiding Officer / District Judge,
I Additional Labour Court,
Chennai.

... Respondent in all the W.Ps.

2.N.Gunasekaran
2.K.Mannu
2.C.Parasuraman

... Respondent in W.P.3566/2015
... Respondent in W.P.3567/2015
... Respondent in W.P.3568/2015

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in respect of the impugned award in I.D.Nos.162, 164 and 163 of 2012 respectively, dated 28.08.2014 passed by the first respondent and quash the same.

For Petitioner : Mr.E.C.Ramesh
in all the W.Ps.

For Respondents : R1 – Court
R2 – Party – in – Person



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in all the W.Ps.

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COMMON ORDER

The writ petitions have been filed seeking issuance of Writ of Certiorari calling for the records in respect of the impugned award in I.D.Nos.162, 164 and 163 of 2012 respectively, dated 28.08.2014 passed by the first respondent and quash the same.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.The learned counsel appearing for the petitioner Corporation submitted that the petitioner engaged the respective second respondent on daily wages for maintenance of street light in Zone VIII for a period of 89 days after a break system, if required the respective second respondent were taken back and were terminated from service on 18.03.1999 since there was no need for maintenance of street light, however, after a period of 13 years the respective second respondent raised industrial disputes in I.D.Nos.162, 164 and 163 of 2012 respectively, challenging the order of termination and the Labour Court allowed the industrial disputes to reinstate them in service with continuity of service and 25% backwages.



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4.The learned counsel appearing for the petitioner Corporation further submitted that the respective second respondent worked only for a period of 89 days and since regular recruitment was processed and employees were recruited, their services were no longer required and hence they were terminated from service during the year 1999, however, they raised industrial disputes only in the year 2012. The learned counsel further submitted that the period of limitation is only three years and since they raised the disputes in the year 2012, the industrial disputes raised by the respective second respondent suffer laches, however, the Labour Court passed the impugned order which is not sustainable one.

5.The respective second respondent appeared before this Court as Party – in – Person and submitted that the learned counsel on record for them had died. They submitted that they were continuously employed from the year 1996 to 1999 for a period of three years. As per Section 2A(2) of the Industrial Disputes Act, if a person is employed continuously for a period of 240 days in a calendar year, they are entitled for reinstatement, hence the Labour Court ordered for



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reinstatement. The respective second respondent appearing as Party-

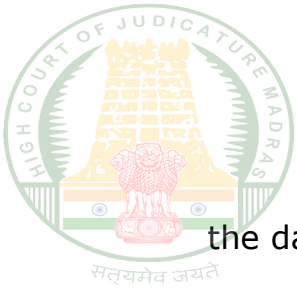
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in – Person further submitted that this Court may direct the petitioner Corporation to pay a reasonable compensation to them.

6.Heard both sides and perused the materials available on record.

7.Perusal of records disclose that the respective second respondent have worked for more than 320 days in a year from 1996 to 18.03.1999. Hence, the Labour Court has passed the impugned order. However, this Court in the interest of the petitioner and the respective second respondent and inorder to strike balance between them, is of the opinion that a sum of Rs.1 Lakh each would be a justifiable compensation to the respective second respondent.

8.The petitioner Corporation is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) each, in full quit to the respective second respondent, within a period of eight weeks from the date of receipt of a copy of this order, failing which, the petitioner Corporation would be liable to pay interest at the rate of 6% p.a., from



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the date of writ petition till the date of actual payment.

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9.The writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.Post the writ petitions 'for reporting compliance' on 30.06.2025.

28.04.2025

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

To

1.The Presiding Officer / District Judge,
I Additional Labour Court,
Chennai.



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M.DHANDAPANI,J.
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