



WEB COPY



W.P.No.10205 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

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

W.P.No.10205 of 2019

and

WMP.No.10765 of 2019

The Dean,
Government Erode Medical College and Hospital,
Perundurai, Sanatorium, Erode District.
(Cause title amended, vide order dated 14.03.2024
made in WMP.No.7877 of 2024 in W.P.No.10205 of 2019.) ...Petitioner

Vs.

Perundurai Medical College and Hospital
Uzhiyargal Munnatra Sangam,
Reg.No.232/Periyar Perundurai Medical College & Hospital,
Sanatorium Post, Perundurai Taluk,
Erode District. ...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying
for issuance of Writ of Certiorari, calling for the records of the Labour Court,
Salem, dated 14.09.2018 in I.D.No.133 of 2002 and quash the same.

For Petitioner : Mr.E.Sundaram, GA

For Respondent : Mr.K.M.Ramesh, Sr.C,
for Mr.V.Subramani



W.P.No.10205 of 2019

ORDER

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The petitioner has filed this Writ petition seeking quashment of the award passed by the Labour Court, Salem dated 14.09.2018 in I.D.No.133 of 2002.

2. Heard learned counsel on either side and perused the materials available on record.

3. The issue involved in this Writ petition lies in a Narrow Compass. The respondent union initially filed a Writ petition before this Court seeking regularization of 67 workers. The petitioner hospital contended that those workers were not directly employed by them. Rather, they were working under contractors. This Court disposed of the said Writ petition permitting the Workers Union to raise an industrial dispute. Accordingly, the worker union raised an industrial dispute in I.D.No.133 of 2002. In the said dispute, there were 67 employees. However, the award was passed only in respect of 40 workers on 02.09.2009. The leftover 27 workers preferred a writ petition before this Court in W.P.No.210 of 2012 challenging the order passed by the



W.P.No.10205 of 2019

Labour Court and this court, vide order dated 30.08.2017 set aside the order passed by the Labour Court only insofar as it omits the name of 27 persons and the petition was remanded back to the labour court and the labour court was directed to adjudicate the claim of the 27 workers on the basis of the award passed in respect of 40 workers. Accordingly, the petition was restored and the matter was heard afresh in respect of 27 workers alone. The Labour Court, however, found that only 11 persons continued to be in service in the petitioner hospital and the Labour Court overruled the same objection raised by the petitioner hospital in respect of the claim made by the 40 workers in the earlier round of litigation that the workers were not directly employed by them, but they were working only under the contractor.

4. The Labour Court observed that the petitioner has accepted that the 11 workers worked for them. Whether they worked directly under the petitioner hospital or under the contractor was the only issue to be decided by the Labour Court. The Labour Court on an analysis of the materials placed before it, held that all the workers were directly employed by the petitioner and they worked continuously for more than 480 days which entitled them to



W.P.No.10205 of 2019

seek for regularisation. The Labour Court, accordingly, directed the petitioner hospital to regularise the services of the 11 workers from the date the earlier 40 workers were regularised. Though regularization was ordered, the Labour Court had denied back wages to the 11 workers and the Labour Court had ordered continuity of service only for the purpose of calculating the terminal benefits. This Court does not find any error or irregularity in the said order passed by the Labour Court and rejects the arguments advanced by the learned counsel for the petitioner in this writ petition.

5. Accordingly, the impugned order dated 14.09.2018 passed by the Labour Court, Salem in I.D.No.133 of 2002 is sustained and this Writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

28.03.2025

skt

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



W.P.No.10205 of 2019

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To:

1. The Dean,
Government Erode Medical College and Hospital,
Perundurai, Sanatorium, Erode District.
2. The Labour Court,
Salem.



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W.P.No.10205 of 2019

M.DHANDAPANI, J.

skt

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