



W.P.No.8102 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8102 of 2015

And

M.P.No.1 of 2015

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

2.The Zonal Officer,
New Zone – IX, Old Zone – VIII,
Corporation of Chennai,
Old Division – 118, New Division – 112,
Chennai – 600 034.

... Petitioners

Vs.

1.Presiding Officer,
I Additional Labour Court,
Chennai.

2.R.Venkatesan

... Respondents

Prayer:

Petition 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.No.121 of 2014 dated 25.07.2014 passed by the first respondent and quash the same.



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For Petitioners : Mr.E.C.Ramesh

For Respondents : R1 – Court
R2 – No Appearance

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari calling for the records in respect of the impugned award in I.D.No.121 of 2014 dated 25.07.2014 passed by the first respondent and quash the same.

2.The case of the petitioners is that the second respondent raised industrial dispute alleging that the second respondent was engaged as Malaria Desilting Tholilali in New Zone – IX, Old Zone – VII, Corporation of Chennai, Old Division – 118, New Division – 112, Old Unit – 29, under the second petitioner from 17.11.1994 around 278 days and he worked till 08.02.1997 in Conservancy Department. The Government of Tamil Nadu issued G.O.(Ms).No.125, Municipal Administration and Water Supply Department dated 27.05.1999 directing that all the workers who were employed on daily wage basis prior to 04.05.1999 should be regularized and absorbed in the Corporation on permanent basis and sought the relief of reinstatement in service with full back wages, continuity of service and all other



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attendant benefits and the Labour Court passed the impugned order directing the petitioners to reinstate the second respondent in service.

Challenging the same, the petitioners have filed this writ petition.

3.The learned counsel appearing for the petitioners submitted that the Government of Tamil Nadu issued G.O.(Ms).No.125, Municipal Administration and Water Supply Department dated 27.05.1999. As per the said Government Order, the workers who were employed on daily wage basis and who have completed ten years service as on 31.12.1996 in respect of Panchayats; 01.10.1996 in respect of Municipalities and Municipal Corporations except Chennai; and 04.05.1999 in respect of Chennai are entitled to be absorbed in the respective place on permanent basis. In the present case, the second respondent himself claim that he was engaged as Malaria Desilting Tholilali under the second petitioner from 17.11.1994 and he worked till 08.02.1997. Hence, he has not completed ten years of service as on 04.05.1999 and the relief sought for by the second respondent in terms of the said Government Order is not sustainable one and hence the industrial dispute raised by the second respondent is not maintainable one, even then, the Labour Court has passed order in favour of the second respondent, which is not sustainable one.



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4. Heard the learned counsel appearing for the petitioners.

Though the name of the learned counsel who has entered appearance on behalf of the second respondent has been printed in the cause list, there is no representation for the second respondent. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5. Perusal of records reveal that the Government of Tamil Nadu issued G.O.(Ms).No.125, Municipal Administration and Water Supply Department dated 27.05.1999 and as per the said Government Order, the workers who were employed on daily wage basis and who have completed ten years service as on 31.12.1996 in respect of Panchayats; 01.10.1996 in respect of Municipalities and Municipal Corporations except Chennai; and 04.05.1999 in respect of Chennai are entitled to be absorbed in the respective place on permanent basis. In the present case, the second respondent himself claim that he was engaged as Malaria Desilting Tholilali under the second petitioner from 17.11.1994 and he worked till 08.02.1997. Hence, the second respondent has not completed ten years of service as on 04.05.1999 and the relief sought for by the second respondent in terms of the said



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Government Order is not sustainable one and hence the industrial dispute raised by the second respondent is not maintainable one, even then, the Labour Court has passed the impugned order in favour of the second respondent, which is not sustainable one.

6.The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2025

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

To

1.The Presiding Officer,
I Additional Labour Court,
Chennai.



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M.DHANDAPANI,J.
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