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W.P.No.20743 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20743 of 2014

And

M.P.No.1 of 2014

The Management
rep. by the Chairman
Jaigopal Garodia Matriculation Higher
Secondary School
(A Union of JGVV Trust)
S.R.P.Colony, 7th Street,
Chennai – 82

... Petitioner

Vs.

1.The Presiding Officer,
I Additional Labour Court,
Chennai – 104.

2.J.Deepak

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in I.D.No.41 of 2009 on the file of the Hon'ble I Additional Labour Court, Chennai – 104 the first respondent herein, quash the award dated 10.03.2014 passed therein.



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For Petitioner : Mr.M.Vijayakumar
for M/s.M.R.Raghavan

For Respondents : R1 – Court
R2 – NRN

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records in I.D.No.41 of 2009 on the file of the first respondent and to quash the award dated 10.03.2014.

2.The facts of the case is that the second respondent raised industrial dispute in I.D.No.41 of 2009 before the first respondent seeking reinstatement with all other attendant benefits, alleging that he was appointed as Office Assistant (Attender) in the petitioner School on 12.07.1999 and he was terminated from service on 14.08.2007 contrary to Section 25-F of the Industrial Disputes Act. The first respondent passed the impugned order directing the petitioner to pay a sum of Rs.2 Lakhs as compensation to the second respondent as full and final settlement. Challenging the same, the petitioner has filed this writ petition.



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3.Before the Labour Court, the second respondent has examined

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himself as W.W.1 and marked exhibits Ex.W1 to Ex.W23. The petitioner has examined one witness M.W.1 and marked exhibits Ex.M1 to Ex.M3.

4.The learned counsel appearing for the petitioner submitted that the industrial dispute itself is not maintainable since there is no employer and employee relationship between the petitioner and the second respondent and no dismissal order was passed as against the second respondent. Though he was appointed as Office Assistant in the petitioner School during the year 1999, since his conduct and character was not upto the satisfaction of the superiors from the beginning, the petitioner Management terminated him and two cheques, one for a sum of Rs.7,038/- and another for a sum of Rs.17,680/- were given to him to satisfy Section 25-F of the Industrial Disputes Act.

5.Heard the learned counsel appearing for the petitioner. Though the writ petition is of the year 2014, till date, the petitioner has not taken effective steps to serve notice on the second



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respondent. Considering the pendency of the writ petition, this Court

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is inclined to proceed with the case and decide the same based on the materials available on record.

6.The petitioner Management did not dispute the fact that the second respondent was appointed as Office Assistant (Attender) in the petitioner School on 12.07.1999. The petitioner claim that the conduct of the second respondent was not good and hence he was terminated from service. However, for terminating the second respondent, the petitioner ought to have conducted enquiry, however, the petitioner has not conducted any enquiry before terminating the second respondent from service, which is not sustainable one. The said fact was well considered by the first respondent and the first respondent has directed the petitioner to pay a sum of Rs.2 Lakhs as compensation to the second respondent as full and final settlement, which warrants no interference.

7.The petitioner is directed to pay a sum of Rs.2 Lakhs as directed by the first respondent, without interest, to the second respondent, within a period of eight weeks from the date of receipt of



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a copy of this order, if the amount has not yet been paid or deposited.

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8.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

25.02.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Presiding Officer,
I Additional Labour Court,
Chennai – 104.



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