



WEB COPY

W.A.No.1657 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

W.A.No. 1657 of 2025
and CMP No.12329 of 2025

The District Forest Officer,
District Forest Officer,
Mathigiri, Hosur,
Krishnagiri 635 110.

... Appellant

Vs.

1. D.Thomas

2. The Presiding Officer,
Labour Court, Salem.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.44691 of 2016 dated 14.07.2023.

For Appellant : Mr.C.Selvaraj, AGP



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JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

We do not see any reason to interfere with the order of the Writ Court.

The Labour Court after coming to a factual conclusion that the first respondent had worked in the Department for more than a year and has been in continuous service. It is also found that he had worked for more than the minimum number of days required viz. 240 days in a calendar year. Therefore, the Labour Court found that he would be entitled to the protection under Section 25-F of the Industrial Disputes Act. Admittedly, the termination was oral. The claim of the Department that the respondent was only a seasonal employee and he was not employed through out the year was negatived on evidence.

2. The Writ Court concurred with the conclusions of the Labour Court and held that in order to decide the dispute under Section 2(A)(2) of the Industrial Disputes Act, the only condition that is required to be satisfied by the workman is to show that he had worked for the minimum number of days for over a period of one year and he would be entitled to protection



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under 25-F of the Industrial Disputes Act. Once that foundational fact has been established then the dismissal has to necessarily go. The Labour Court has also taken care to order reinstatement with 50% back-wages only.

3. We therefore see no reason to interfere with the order of the Writ Court, the Writ Appeal fails and it is accordingly dismissed. However, this will not prevent the appellant from taking any action against the workman in conformity with the provisions of the Industrial Dispute Act 1947. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
17.06.2025

jv

Index : No
Neutral Citation : No
Speaking order



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To

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R.SUBRAMANIAN, J.
and
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