



WEB COPY

WP No. 27026 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 27026 of 2017
AND WMP NO. 28839 OF 2017**

1. The Management of
Heatly and Gresham India Ltd, Indian
Chamber Buildings, 6, Esplanade,
Chennai-108

Petitioner(s)

Vs

1. The Presiding Officer
First Additional Labour Court Chennai

2.Smt.Rani

3.Smt.Andal

4.E.Mohanraj

5.E.Babu

(respondents 2 To 5 Are As Legal Heirs
Of The Deceased Respondent
Mr.elumalai) And All Are At
G New Lake Chengalpattu.

Respondent(s)

PRAYER: This Writ Petition has been filed under Article 226 of Constitution of India, to issue a writ of Certiorari, calling for records of the First Respondent in I.D No.256/ 2001 and quash its award dated 31.8.2016.



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For Petitioner(s): MR. P. RAGUNATHAN FOR
M/S.T.S.GOPALAN AND CO.
For Respondent(s): R-1 LAOBUR COURT R-2 TO
R5 (RESPONDENTS 2 TO 5
ARE AS LEGAL HEIRS OF
THE DECEASED
RESPONDENT
MR.ELUMALAI) (NO
APPEARANCE)

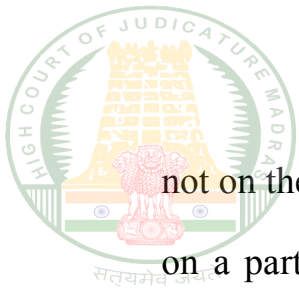
ORDER

The petitioner Management has aggrieved by the order of the I Additional Labour Court, Chennai in ID No.256 of 2001 dated 31.08.2016; whereby the petitioner management was directed to pay a compensation to Rs.1,50,000/- to the respondents 2 to 5 herein.

2. The short facts of the case are as follows:

The husband of the second respondent herein has filed ID. No.256 of 2001 on the ground that he was an employee of the petitioner Management from 10.07.1990 and that he was retrenched on 12.09.1999 without assigning any reasons. According to the deceased employee, as he was active member of the Union, the petitioner Management became prejudiced and retrenched him. Despite his repeated request, the management did not reinstate and therefore, he has filed the above said petition before the Labour Court.

3. The petitioner Management contended that the deceased employee was



not on the payrolls of the petitioner management and he was only assigned work on a part-time basis as and when need arose. In the meantime, the employee died. His legal representatives were brought on record.

4. On an analysis of the materials available before it, the Labour Court held that the deceased was an employee of the petitioner management and since he was no more, the question of reinstatement did not arise and therefore, awarded a compensation of Rs.1,50,000/- to the legal heirs of the deceased employee. Challenging the same, the present writ petition has been filed.

5. A cursory reading of the award reveals that the evidence adduced on the said of the management, seals the issue. Therefore, this Court is not venturing into the arguments advanced on both sides.

6. The management has accepted in his examination that the deceased employee was granted loan and that Ex.W3 was receipt for having received the first installment of loan. As rightly noted by the Labour Court, if the deceased was not an employee with the petitioner management, the petitioner would not have granted in loan and issued him with receipt for having received the first installment. Likewise, Ex.W4, is the letter written by the petitioner Management to the commercial tax officer. In the said letter, the petitioner has requested the officer to issue with five books of Form-10 through the deceased employee. Ex.W5 is the receipt for payment of general sales tax.



7. As rightly observed by the Labour Court, if the deceased was not an employee, the petitioner Management would not have authorised him to collect certain books from the Commercial Tax Officer. Likewise, the petitioner Management would not have allowed the deceased employee to pay tax on its behalf before the Tax Officer. Therefore, the Labour Court has held that the deceased was a regular workman and he worked for several years to the petitioner management. Therefore, the Labour Court held that the termination was illegal. The Labour Court noted that the employee had died and that the petitioner company was closed more than 15 years ago. Therefore, the question of reinstatement would not arise. Accordingly, granted a sum of Rs.1,50,000/- as compensation to the legal heirs of the deceased employee. This Court is in concurrence with the finding rendered by the Labour Court. The same does not require any interference. Hence, the Writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20-03-2025

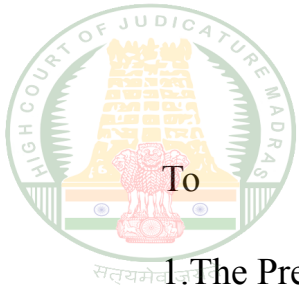
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The Presiding Officer

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M.DHANDAPANI J.

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