

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE OF RESERVATION : 04.02.2015

DATE OF DECISION : 10.02.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.Nos.1686 and 1687 of 2014

P.Paulpandian

.. Appellant in
W.A.No.1686 of 2014

G.R.Jayaramakrishnan

... Appellant in
W.A.No.1687 of 2014

Vs.

1.The Deputy Director,
CIPET, Guindy,
Chennai-32.

2.The Presiding Officer,
The Central Government Industrial Tribunal
-cum-Labour Court, Block No.6,
1st Floor, Shastri Bhavan, Chennai-600 006.

.. Respondents in
both writ appeals

These writ appeals are preferred under Clause 15 of the Letters Patent against the order of this court dated 26.4.2011 made in W.P.Nos.2690 and 2691 of 2006.

These Writ Petitions filed seeking for a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent, dated 24.6.2004, made in I.D.No.79 & 78 of 2002 and quash the same and consequently, direct the first respondent to reinstate the petitioner into service with effect from 31.7.2000 onwards with backwages and all other attendant benefits.

For Appellants : Mr.Varada Desigan,
Party-in-person

COMMON JUDGMENT

SATISH K. AGNIHOTRI, J.

The instant intra-court appeals arise from two separate orders dated 26.04.2011 passed in W.P.No.2690 of 2006 and W.P.No.2691 of 2006.

2. Questioning the legality and validity of the Awards dated 26.4.2004 made in I.D.Nos.79 of 2002 and 78 of 2002 respectively, the writ petitioners / appellants have come up with the writ petitions, seeking a direction to reinstate the petitioners into service with effect from 31.7.2000 onwards with backwages and all other attendant benefits.

3. The Central Government, Ministry of Labour, by notification Order Nos.L-42012/206/2001-IR(CM-II) and L-42012/207/2001-IR(CM-II) dated 6.8.2002 referred the disputes to the Central Government Industrial Tribunal-cum-Labour Court, Chennai on the issue as to whether the claim of the writ petitioners for reinstatement with backwages is legal and justified? If not, to what relief the workmen is entitled to?

4. The Industrial Tribunal-cum-Labour Court, by Awards dated 24.6.2004 held that the writ petitioners were not regular employees by the respondent management as the writ petitioners have failed to produce any document or any evidence in support of their contention that they have been working in the Central Institute of Plastic Engineering and Technology in the Cylindrical Grinding section in regular capacity. The Industrial Tribunal-cum-Labour Court had examined the issue elaborately and held that the appellants/ writ petitioners were Trainee Operators and not regular employees and as such, they were not entitled to any relief as claimed by them, which is contrary to the contention of the writ petitioners that after one week training, they were given regular appointment on 01.11.1998 on consolidated pay of Rs.1700/-. The services of the petitioners were discontinued with effect from 31.7.2000, which led to filing of reference to the Labour Department, which referred the disputes to the Central Government Industrial Tribunal-cum-Labour Court.

5. Thereagainst, two separate writ petitions were filed against both the awards. The learned Single Judge examined the matter and passed the orders separately. Before the High Court also, the writ petitioners have failed to produce any materials to establish that at any point of time, they were given regular appointment, except self statement by the writ petitioners. The learned Writ Court confirmed the awards passed by the Industrial Tribunal-cum-Labour Court and dismissed the writ petitions. Thereagainst, the instant

writ appeals are filed by the writ petitioners.

6. Mr.Varada Desigan, in person, appearing on behalf of the appellants / writ petitioners, reiterated the same contentions that after one week training, they were posted on regular appointment on 01.11.1998 on consolidated pay of Rs.1700/-. It was next contended that the writ petitioners were removed from service without issuing any termination order and also without assigning any reason on 19.7.2000 with effect from 31.7.2000.

7. On query as to what was the post the petitioners were occupying during the alleged period when they were working as regular employees, Mr.Varda Desigan, representing the petitioners, is not in a position to point out even the post, wherein they were working except stating that initially they were appointed as Mechanist and thereafter, after interview they were appointed as Operators in Cylindrical Grinding section. In support of their contention, the writ petitioners have failed to produce any document. Even they could not examine any witness or person to establish their case that they have been working as regular employees in the Department. Thus, for want of material evidence, we are unable to hold that they were appointed as regular employees and their services were terminated without affording an opportunity of hearing. The findings recorded by the Tribunal and confirmed by the Writ Court that their appointment was as trainees, seem to be correct on the basis of the submissions made by them. We are unable to take contrary view for want of any material either in the pleadings or produced before us, at any point of time. Thus, we have no other option except to dismiss the writ appeals, holding that the findings recorded by the Industrial Tribunal-cum-Labour Court and confirmed by the Writ Court are just and proper, warranting no interference.

8. Accordingly, both writ appeals are dismissed. No costs.

Sd/-
सिनिगमोन नरयते
Assistant Registrar

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Sub Assistant Registrar

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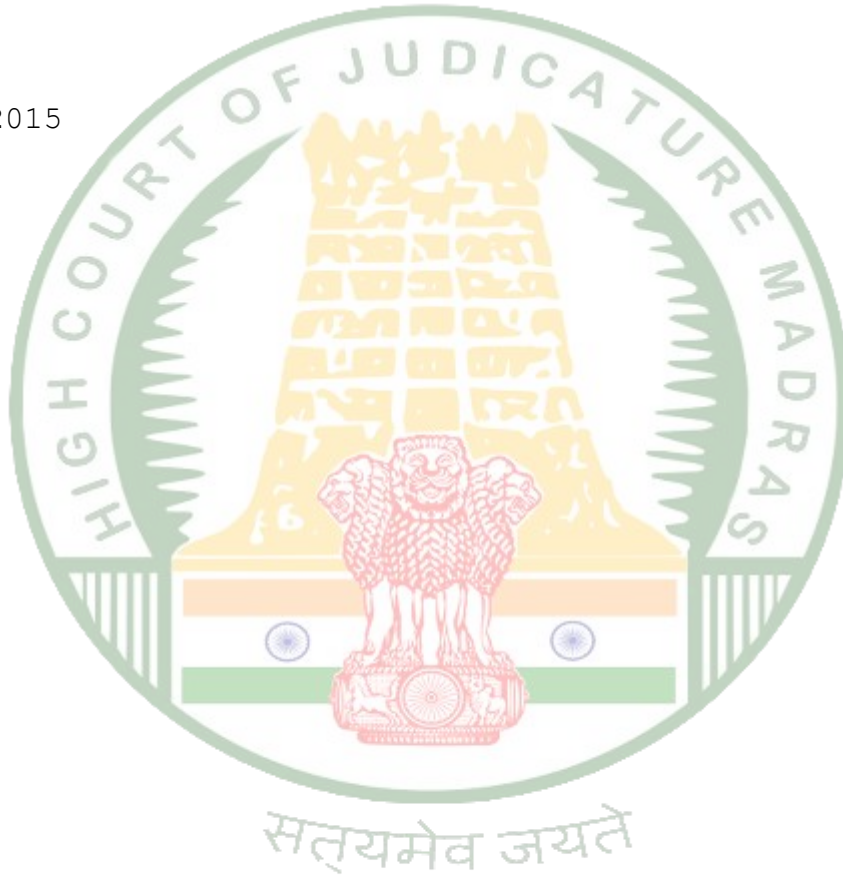
To

1.The Deputy Director,
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Chennai-32.

2.The Presiding Officer,
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