



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.03.2018
Pronounced on : 04.06.2018

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.17242 of 2016

P.S.Pandi

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Madurai.

2. A.Jeyasree Raathi,
W/o. Late Aswin Raathi,
Proprietor,
Quantum Drugs & Chemicals,
Race Course Colony,
Bharathi Ula Road, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the impugned order bearing I.D.No.114 of 2012 dated 07.03.2016 on the file of the 1st respondent - Presiding Officer, Labour Court, Madurai and quash the same.

For Petitioner	: Mr.P.Muthuvijayapandian
For R.2	: Mr.A.Anbalagan
R1	: Court

ORDER

The petitioner claims that he worked as Supervisor in Quantum Drugs and Chemicals, Madurai, from 11.04.2004 till 01.09.2010. He was paid a sum of Rs.2,000/- per month. He was given increment also. While so, on 01.09.2010, without any justification, he was orally terminated. He was not given any prior notice. He, therefore, claimed reinstatement with continuity of service and back wages and raised an Industrial Dispute. The same was taken on file as I.D.No.114 of 2012. The claim was initially lodged against Thiru.Aswin Raathi. Following his demise, his wife, Jeyasree Raathi, was brought on record. The case of the petitioner was stoutly opposed by the respondent. The Labour Court, Madurai, by the impugned award dated 07.03.2016, dismissed I.D.No.114 of 2012.

Questioning the same, the present writ petition has been filed.

2. The petitioner's Counsel contended that the petitioner was employed in Quantum Drugs and Chemicals, Kapaloor, Madurai, for over 6½ years. The Management had also conferred the benefit of Employees State Insurance Scheme and also contributions were made to his Provident Fund account. Apart from his work as Supervisor in the company, the petitioner also managed the Garden at Thiruppalai and Ayan Pappakudi. The Labour Court failed to consider Exs.W1 to W5 and therefore, he wanted this Court to set aside the impugned award dated 07.03.2016 and grant him relief.

3. This Court went through the deposition of the petitioner and also the documents marked on either side. The petitioner appears to be a Jack of all trades. He was running Surya Security Services. He was also a realtor. He had concluded certain land transactions for Aswin Raathi and dispute had arisen between them with regard to payment of commission amount. Therefore, the petitioner filed a civil suit against the said Aswin Raathi. The plaint filed by the petitioner has been marked as Ex.W1 on the side of the respondent. Ex.W5 series are the bills issued by Surya Security Services. The petitioner has also been paying income tax. The original respondent, Aswin Raathi, had also initiated criminal proceedings against the petitioner. Taking into account all these circumstances, the Labour Court rightly held that the petitioner cannot be considered as a workman employed under Quantum Drugs and Chemicals, Madurai.

4. The Labour Court also pointed out that the petitioner filed a civil suit against Aswin Raathi claiming Rs.5,50,000/- towards commission, on the ground that it was the petitioner who facilitated purchase of 60 acres of land at Sedapatti. According to the petitioner, the firm in question paid only Rs.50,000/- on 17.01.2010 and they still owe the balance amount of Rs.5,50,000/-. The Labour Court pointed out that the case was filed only against Aswin Raathi and that following his demise, his wife was brought on record. It is seen that Quantum Drugs and Chemicals is a partnership firm and the case was not filed against the firm as such. Jeyasree Raathi has been described as the Proprietor of Quantum Drugs and Chemicals. Thus, there is a mis-description in the cause title also.

5. This Court went through the affidavit filed in support of the writ petition. The petitioner has fairly admitted in Paragraph No.5 of his affidavit that he was also acting as a land broker for Aswin Raathi. An income tax assessee, who offered Security Services and who acted as a real estate agent, cannot maintain a claim that he was a mere workman, who was unlawfully fired from employment by his employer. The provisions of Industrial Dispute Act do not exist for such characters. There is no merit in this writ petition. The Labour Court has assigned convincing reasons for dismissing the claim of the petitioner. This Court finds no reason to differ with the reasoning of the Labour Court.



6. This writ petition is liable to be dismissed and the same is accordingly, dismissed. No costs.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Madurai.

+ 1 CC TO Mr.P.MUTHU VIJAYA PANDIAN, ADVOCATE IN SR No. 66993
+ 1 CC TO M/s.A.BANUMATHY, ADVOCATE IN SR No. 67055

GK
TE/JC/SAR-3 : 12/06/2018 : 3P/4C

W.P. (MD) No.17242 of 2016
04.06.2018