



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

WEB COPY

CORAM:

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 984 of 2016

A.Premkumar

... Petitioner

Vs.

1. The Management,
Southern Petro Chemicals Industries Ltd.,
SPIC Nagar,
Tuticorin - 628 005,
Tuticorin District.

2. The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the order in I.D.No.2 of 2014 dated 11.09.2015 on the file of the second respondent and to quash the same as illegal and consequently direct the first respondent to give continuity of service along with backwages.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.P.Chandra Bose for R1
R2- Labour Court.

ORDER

The petitioner was employed as Engineer (Operation) in SPIC company. He was compulsorily retired from service. Questioning the same, he raised an Industrial Dispute. The petition filed by him was taken as I.D.No.2 of 2014 on the file of the Labour Court, Tirunelveli. The Labour Court by the impugned award held that the said I.D is not maintainable. Questioning the same, the present writ petition has been filed.

2.Heard the learned counsel appearing on either side.



show that he was employed in a supervisory capacity. It cannot be disputed that the writ petitioner was paid a sum of Rs.31,700/- as monthly salary. Only if a person can fall within the definition of the term workman as set out in Section 2(s) of the Industrial Disputes Act, 1947, can maintain I.D before the Labour Court. In this case, the writ petitioner was admittedly discharged his duties only in a supervisory capacity. Testimony before the Labour Court itself is clearly to the effect that he was working in a supervisory capacity. That apart, the fact that he was earning more than Rs.31,000/- itself would disqualify him from maintaining a claim before the Labour Court. The Labour Court, after a thorough consideration of the entire materials on record and applying the correct principles of law, came to the conclusion that the writ petitioner herein was not a workman.

4.The impugned award of the Labour Court cannot be interfered with. There is no merit in this writ petition. It is made clear that neither this Court nor the Labour Court has pronounced any thing on the merits of the matter. The rights of the writ petitioner are left at large. It is open to the writ petitioner to work out his right in the manner known to law. All that has been held that the I.D raised by the petitioner is not maintainable.

5.With the above observation and liberty, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
Tirunelveli.

+1cc to Mr.P.Chandra Bose, Advocate Sr.No.55324

+1cc to Mr.D.Saravanan, Advocate Sr.No.55189

skn

VB/PN/SAR1/11.07.2018/2P/4C

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