

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

Judgment Reserved On 12.04.2019	Judgment Pronounced On 22.04.2019
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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal Nos.1332, 1333, 1335 and 1340 of 2019
and
C.M.P.Nos.9119, 9124, 9129 and 9194 of 2019

W.A.No.1332 of 2019:-

M/s.MRF Ltd.,
Rep., by the Plant Head,
ArkonamTiruttani Main Road,
Ichipurthur, ArkonamTaluk. ... Appellant/1st Respondent

-vs-

1.P.N.Ravinder,
Son of Mr.Narayana Reddy. ... 1st Respondent/Petitioner

2.The Presiding Officer,
Principal Labour Court, Vellore. ... 2nd Respondent/2nd
Respondent

APPEAL under Clause 15 of the Letters Patent to set aside
the order dated 18.03.2019 made in W.P.No.27159 of 2011 on the
file of this Court.

WP.NO. 27159 OF 2011 & WP.NO. 27160 OF 2011

Writ Petition filed under Article 226 of the Constitution of
India to issue a Writ of Certiorari, for the reliefs as stated
therein, Calling for the records relating to common award dated
05.04.2011 passed in I.D.No.137 of 2005 on the file of the
second respondent / Principal Labour Court Vellore and quash
the same in so far as confines the relief of back wages to 50%
instead of award of full back wages and pass such further or
other appropriate order.

WP.Nos. 25426 & 25423 of 2011:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, for the releifs as stated therein to call for the records connected with I.D.No. 137 of 2005, I.D.No.139 of 2005 on the file of 1st Respondent Principal Labour Court Vellore and to quash the award dt. 05.04.2011 (along with I.D.No. 139 of 2005 along with I.D.No.137 of 2005)

W.A.Nos.1333 of 2019:-

The Management of MRF Ltd.,
Rep., by its Plant Head,
ArkonamTiruttani Main Road,
Ichipurthur, Arkonam Taluk,
Vellore District. .. Appellant/Petitioner

-vs-

1.M.Subramani,
Son of Mr.Manicka Reddy. .. 1st Respondent/2nd Respondent

2.The Presiding Officer,
Principal Labour Court, Vellore. .. 2nd Respondent/1st
Respondent

APPEAL under Clause 15 of the Letters Patent to set aside the order dated 18.03.2019 made in W.P.No.25426 of 2011 on the file of this Court.

W.A.No.1335 of 2019:-

The Management of MRF Ltd.,
Rep., by its Plant Head,
ArkonamTiruttani Main Road,
Ichipurthur, Arkonam Taluk,
Vellore District. .. Appellant/Petitioner

-vs-

1.P.N.Ravinder,
Son of Mr.Narayana Reddy. .. 1st Respondent/2nd Respondent

2.The Presiding Officer,
Principal Labour Court, Vellore. .. 2nd Respondent/1st
Respondent

APPEAL under Clause 15 of the Letters Patent to set aside the order dated 18.03.2019 made in W.P.No.25425 of 2011 on the file of this Court.

W.A.No.1340 of 2019:-

M/s.MRF Ltd.,
Rep., by the Plant Head,
ArkonamTiruttani Main Road,
Ichipurthur, ArkonamTaluk.

.. Appellant/1st Respondent

-vs-

1.M.Subramani,
Son of Mr.Manica Reddy. .. 1st Respondent/Petitioner

2.The Presiding Officer,
Principal Labour Court, Vellore. .. 2nd Respondent/2nd
Respondent

APPEAL under Clause 15 of the Letters Patent to set aside the order dated 18.03.2019 made in W.P.No.27160 of 2011 on the file of this Court.

For Appellant : Mr.Sanjay Mohan
(In all Appeals) for Mr.S.Ramasubramaniam
For Respondent : Mr.V.Prakash, Senior Counsel
(In all Appeals) assisted by Mr.K.Sudalaikannu

COMMON JUDGMENT

T.S.Sivagnanam, J.

These appeals have been filed by the Management of MRF Limited (hereinafter referred to as "the Management") challenging the common order dated 18.03.2019 passed in Writ Petition Nos.27159, 25426, 25425, 27160 respectively.

2.W.P.Nos.27159 and 27160 of 2011 were filed by the 1st respondents in W.A.Nos.1332 and 1340 of 2011, who were the workman of the appellant/Management.

2.1. W.P.Nos.25425 and 25426 of 2011 have been filed by the appellant/Management.

2.2. All the writ petitions challenge the correctness of the common award dated 05.04.2011 passed in I.D.No.137 of 2005 on the file of the Principal Labour Court, Vellore, the 2nd respondent herein.

3.The Labour Court by the award dated 05.04.2011, directed reinstatement of the respondent/workmen with continuity of service, attendant benefits and 50% back wages. The appellant/Management was aggrieved by the award in its entirety and the respondent/workmen were aggrieved by that portion of the award which denied 50% back wages. The appellant/Management by orders dated 18.03.2004, dismissed the respondent/workmen from services. The allegation against the respondent/workmen was that they threw stones indiscriminately on the company bus, which was engaged to pick up the workers of the factory on 11th March, 2004. The order of dismissal stated that the acts of serious violence indulged by the respondent/workmen are serious acts of misconduct, as a result of which, they have endangered lives of fellow workmen and injured the driver apart from damaging the company's properties.

4.It was further stated that the very nature of the conduct of the respondent/workmen has rendered holding disciplinary action in the form of domestic enquiry an added risk and the Management will not be in a position to ensure the safety of witnesses and other workmen, if enquiry is conducted by it. Further, it was stated that in the event the respondent/workmen proceeding to have the issue of their non-employment adjudicated in a Court of law, the Management will be in a position to establish the acts of misconduct indulged by them by examining witnesses in the security of the Labour Court or such other forum, as may be proceeded. Thus, the Management dismissed the respondent/workmen forthwith reserving their right to establish the acts of misconduct by letting in necessary oral and documentary evidence, as the case may be, before the appropriate forum.

5.The respondent/workmen raised disputes before the Labour Court denying the allegations against them and contending that the order of dismissal has been issued to them without affording an opportunity to show cause against the allegations made against them. It was contended that the allegations made in the order of dismissal were concocted by the Management in order to victimise the workmen.

6.The main ground on which the order of dismissal was

challenged is by contending that it is arbitrary, unreasonable and in violation of principles of natural justice; it amounted to victimisation for the trade union activities engaged by the workmen by framing false allegations and therefore, the order of dismissal is liable to be set aside. Further, it was contended that the Management had dismissed the workmen from service only because, they were active in the genuine trade union that was formed and if the action of the Management is viewed in the context of the entire background in which the action was taken, it reveals that the real motivation of the Management is to victimise the workmen which is the measure of unfair labour practice. Further, it was contended that the memos which were issued to the workmen earlier were with mala fide intention and their past record of service was blemishes and only after they joined the MRF United Workers Union, they were victimised.

7.The appellant/Management in their counter statement mentions about the incident stated to have taken place on 11.03.2004, which was the basis of the order of dismissal. It was contended that the acts of extreme violence indulged by the workmen do not warrant retaining them in service and it was not conducive to the safety and the well-being of the other workmen who were employed by the Management. Further, it was contended that the Management has lost confidence on account of the acts of misconduct indulged by the workmen and they have no other extenuating circumstances to take a lenient view except to dismiss the workmen from services. The factual allegations which were set out in the claim statement filed by the respondent/workmen were denied in the counter statement. The Management sought leave of the Labour Court to permit them to produce oral and documentary evidence, in order to prove misconduct committed by the respondent/workmen which led to the issue of the order of dismissal.

8.Before the Labour Court, the workmen examined themselves as WW1 and WW2; and marked 25 exhibits as W1 to W25. On the side of the Management, two employees were examined as MW1 and MW2; and the Senior Executive of the Security Department and the Manager, Plant Human Resources of the Management were examined as MW3 and MW4 and they marked 48 documents exhibited as M1 to M48. The Labour Court framed two points for consideration, viz., (a) whether the denial of work to the respondent/workmen without holding an enquiry is justified; and (b) whether the workmen are entitled to get a direction, directing the Management to reinstate them in service with continuity of service, back wages and all the other attendant benefit. The Labour Court held that the alleged misconduct was not proved by the Management to the satisfaction of the Court and if the termination arose out of a misconduct, it is a prerequisite that an enquiry should be conducted and since no enquiry was conducted, the stand of the

Management is not acceptable and it is not a case of termination simpliciter. Thus, the Labour Court held that the respondent/workmen are entitled to the relief of reinstatement with continuity of service and all attendant benefits but, restricted the claim of back wages to 50%.

9.As mentioned above, both the Management and the workmen challenged the award by filing writ petitions. The learned Single Bench by the common order dated 18.03.2019 dismissed all the writ petitions. It appears that the respondent/workmen have not challenged the order passed in the writ petitions, but the Management has come before us by way of these appeals.

10.Mr.Sanjay Mohan, learned counsel appearing for the appellant would fairly state that the Management cannot request this Court to re-appreciate the factual finding rendered by the Labour Court upon consideration of the oral and documentary evidence. Nevertheless, the Management having lost confidence in the respondent/workmen and this loss of confidence was bonafidely arrived at and the Management genuinely believed that the respondent/workmen were the persons who resorted to pelting stones on the company bus on the said date. It was further contended that the relationship between the Management and the respondent/workmen has become strained and, in such circumstances, the respondent/workmen cannot be directed to be taken back to service and in the absence of any mala fide on the part of the Management, the Labour Court ought to have moulded the relief and should not have directed reinstatement of the workmen.

11.Further, it is submitted that the learned Single Bench erred in rendering a finding that the workmen were victimised, in spite of noting that the Labour Court did not go into the aspect of victimisation, which was pleaded by the workmen before the Labour Court. In this regard, the learned Senior Counsel has drawn the attention of this Court to the finding rendered by the learned Writ Court in paragraph 22 of the impugned order. Further, it is stated that the learned Single Bench came to the conclusion that there was victimisation solely for the reason that domestic enquiry was not conducted before dismissal of the workmen and in the light of the scheme under Section 11A of the Industrial Disputes Act, 1947 as amended (hereinafter referred to as "the Act"), the Management is entitled to lead evidence before the Labour Court to establish the charge.

12.Further, it is contended that Courts have held that in all cases, the relief of reinstatement is not automatic and Courts have moulded the relief considering the circumstances, and the case on hand is one such circumstance where the

Management genuinely believed that the respondent/workmen had a hand in the act of violence which had been committed on 11.03.2004 and in the light of the genuine belief which was formed by the appellant/Management, the Labour Court erred in reinstating the workmen. It is further submitted that the Management is ready and willing to take an order from this Court by moulding the relief into a monetary compensation in lieu of reinstatement as ordered by the Labour Court. In support of his contention, the learned Counsel referred to the decisions in Hindustan Steels Ltd., Rourkela vs. A.K.Roy and Ors. reported in AIR 1970 SC 1401; Francis Klein & Co. (P) Ltd. vs. Their Workmen and Ors. reported in AIR 1971 SC 2414; The Workmen of Sudder Office, Cinnamara vs. Management of Sudder Office and Ors. reported in (1971) II LLJ 620 (SC); Messrs Bharat Iron Works vs. Bhagubhai Balubhai Patel And Ors. reported in (1976) 1 SCC 518; and Hombe Gowda Educational Trust And Another vs. State of Karnataka And Others reported in (2006) 1 SCC 430.

13.Mr.V.Prakash, learned Senior Counsel appearing for the respondent/workmen contended that the Labour Court on examining the oral and documentary evidence, held that the allegations made against the respondent/workmen were not proved by the Management to the satisfaction of the Court and, in such circumstances, lack of confidence as pleaded by the appellant/Management can have no basis. Further, it is contended that the Management had resorted to an unfair labour practice by not conducting an enquiry before ordering dismissal. Further, it is submitted that in case, the Management had decided to dispense with the domestic enquiry, reasons ought to have been given especially when the standing orders provide for conducting a domestic enquiry.

14.To support the argument that the Management resorted to an unfair labour practice, the learned counsel drew the attention of this Court to Chapter VA of the Act and submitted that Schedule V of the Act deals with 'unfair labour practices' and the case would squarely fall within the ambit of Clause 4(f) of Schedule V of the Act and the Management is liable to be proceeded against for resorting to unfair labour practices.

15.Further, it is submitted that the learned Single Bench was right in holding that the workmen were victimised, since they were dismissed from service without issuing a show cause notice and without conducting an enquiry which is in violation of the principles of natural justice and an arbitrary exercise of power which undoubtedly is victimisation. Further, it is submitted that the theory of loss of confidence cannot be imported into the case on hand, as such theory would stand applicable in respect of persons holding sensitive positions in

an establishment or an organisation and the respondents were workmen and the contention of the Management with regard to loss of confidence is without any basis.

16. Further, it is submitted that the relief granted by the Labour Court cannot become illusory and the scope of interference of the Writ Court over awards of Labour Court are limited. Further, it is submitted that even assuming certain reasons have been set out in the order of dismissal for dispensing with the enquiry, they are no reasons at all and it has to be held that the enquiry was dispensed with, without recording any reasons. In support of his contention, the learned counsel placed reliance on the decision of the Hon'ble Supreme Court in Workmen of Williamson Magor & Co. Ltd. vs. Williamson Magor & Co. Ltd. & Anr. reported in 1982 AIR 78.

17. Heard the learned counsels for the parties and carefully perused the materials placed on record.

18. The Labour Court examined the evidence on the side of the Management as deposed by MW1 and MW2, who were workers of the Management. Upon consideration of the evidence, the Labour Court held that MW1 in his chief examination never implicated the workmen with the crime alleged to have been committed as stated by MW3 and MW4 in their proof affidavit. The evidence of MW1 was rejected. The evidence of MW2 was considered by the Labour Court and held that his evidence creates suspicion, as the said witness had not travelled in the bus on the said date. Thus, the evidence of MW2 was also disbelieved.

19. With regard to MW3 and MW4, who are Executives of the Management, the Labour Court held that their evidence is not useful to the Management, as they were not eye witnesses to the occurrence and they were here say witnesses. Thus, the Labour Court concluded that there is no ground to accept the case of the Management and the Court cannot come to the conclusion that the workmen indulged in violence and caused damage to the company bus. Having held so, the Labour Court faulted the appellant/Management for not having conducted a domestic enquiry. In this regard, it refers to Clause 23C of the Standing Orders of the appellant/Management that an enquiry should be conducted before initiating disciplinary action and no acceptable reason was stated to dispense with the enquiry. The Labour Court referred to the decision of this Court in the case of Management, State Express Transport Corporation (Tamil Nadu) Limited, Pallavan Salai, Chennai vs. The Presiding Officer And Another reported in 2010 (4) LLN 243 to hold that the failure to conduct an enquiry by the Management was completely erroneous. Further, it was held that even assuming that the order of dismissal is held to be a dismissal simpliciter, yet it will fail on account of violation of Section 25F of the Act. With

these reasons, the Labour Court ordered reinstatement with continuity of service, attendant benefits but, specifically restricted the back wages to 50%.

20. It is no doubt true that the Labour Court did not go into the aspect of victimisation as pleaded by the respondent/workmen. This fact has been noted by the learned Single Bench in paragraph 21 of the impugned order. Nevertheless, in paragraph 22, the learned Single Bench noted the arguments of the learned Senior Counsel for the workmen who contended that victimisation can be inferred from the circumstances of the case. The Court then proceeded to take note of the fact that the Management did not conduct any enquiry before dismissing the workmen and even assuming the reason stated for dispensing with the enquiry was correct, the fact remains is that no enquiry was conducted and the workmen were dismissed from service arbitrarily. Further, the learned Writ Court observed that merely stating that the conduct of the enquiry was not conducive and the same would invite risk, cannot be considered as valid, unless the same is supported by valid reasons. Therefore, the Court rejected the contentions of the Management that victimisation was completely absent and, on that score, the Labour Court ought to have granted compensation instead of reinstatement.

21. With regard to the restriction of back wages, the learned Writ Court took into consideration the materials placed before it and the fact that the workmen have not worked for the relevant period when they were out of employment, can draw presumption that the workmen may have secured some employment in order to sustain themselves. Furthermore, it held that even though the Labour Court set aside the order of dismissal as being illegal, the grant of full back wages is not automatic and the Court cannot lose sight of the fact that the workmen concerned had not worked for the period in order to earn full wages from their employer. Further, it observed that at times, pragmatism equity can be applied in favour or against in order to achieve the larger industrial discipline and purpose. Thus, the award of the Labour Court was upheld in its entirety.

22. The argument of Mr. Sanjay Mohan is that the Management has lost confidence on the respondent/workmen and this opinion was bonafidely arrived at and there is a genuine belief on the part of the Management that the respondent/workmen were responsible in pelting stones on the company bus, damaging the bus, injuring the driver and putting the lives of other workmen seated in the bus to risk and danger. Therefore, it is contended that even though the Labour Court had held that the Management had not proved the charge, yet the lack of confidence on the part of the Management to re-employ the respondent-workmen

could not have been granted. To support his contention, reliance was placed on the decision of the Hon'ble Supreme Court in the case of Hindustan Steels Limited (supra). In the said case, it was pointed out that the Tribunal while deciding as to what relief the workman was entitled to, should take note of the question whether the Management genuinely apprehended that it would be risky to retain the workmen in company's services. It was further pointed out that if the Management truly believed that it was not possible to retain the workmen in company's services on the ground of security and consequently, could not place confidence in him any longer, the case would be an exceptional case where the general rule as to reinstatement could not properly be applied.

23. In the said case, there was a report of the police which was against the workmen and based on such confidential report, the Management stated that they cannot employ the workmen. The said report was held as a confidential report and was not disclosed before the Tribunal and on facts, it held that the Management witnesses who testified that the Management had received adverse report and the basis on which the company's security officer recommended the termination of service of those workmen. There was no cross examination on this part of the evidence of the security officer. The fact that the Management had received the police report which was adverse, was not in dispute, nor the fact that on the strength of the report, the security officer recommended that it was not desirable to retain the workmen in services. In the background of these facts, the Hon'ble Supreme Court held that the Management having lost confidence in the employee, the general rule of reinstatement cannot be applied. In our considered view, the decision in Hindustan Steels Ltd. (supra) cannot be applied to the facts of the present case.

24. The allegation against the workmen was indulging in acts of violence. It appears that no police complaint was lodged, but the reason for dismissal of the workmen was on the said ground. The correctness of the decision of the Management was tested by the Labour court before which, the Management had led oral and documentary evidence. The Labour Court considered the evidence threadbare and rejected the evidence of MW1 to MW4 as unreliable. Thus, there was no independent report, as in the case of Hindustan Steels Ltd. (supra), where there was a police report adverse to the interest of the said workman. Thus, in our considered view, this decision does not render any assistance to the case of the Management.

25. The decision in the case of Francis Klein & Co. (P) Ltd. (supra) was referred to for the same proposition that the Management having lost confidence in its employee, it is idle to

ask them to employee such person in another job. Loss of confidence in an employee should have a foundation and in the instant case, apart from the stand taken by the Management before the Labour Court, there was no other independent evidence to rely upon, to form an opinion as regards lack of confidence. If the argument of the appellant is to be accepted, then it would be endorsing a plea of the Management that even though the Labour Court found the evidence of the Management witnesses as unreliable, yet they will rely upon the very same evidence to state that the Management has lost confidence in the workmen. If this argument is to be accepted especially in the facts and circumstances of this case, it would be endorsing an opinion which is contrary to the findings of the Labour Court. It will amount to endorsing the stand of the Management which they failed to establish before the Labour Court. Thus, in our considered view, such a plea of lack of confidence, that too, based upon an incident which could not be established by the Management by evidence before the Labour Court, is unacceptable.

26.The decision in the case of The Workmen of Sudder Office (supra) was a case where an order of termination simpliciter was passed against the workmen on the ground that the employer has lost its confidence in him. The Court while examining as to whether it was an order of termination simpliciter or otherwise, was called upon to examine as to whether the order of dismissal was camouflaged into one of order of termination simpliciter. Therefore, in our considered view, the factual scenario in the said case was entirely different and cannot be made applicable to the case before us.

27.Next, we move on to consider as to whether the learned Single Bench was right in recording a finding with regard to the victimisation of the workmen. As pointed out earlier, the learned Single Bench has noted the contention of the Management that the Labour Court did not find any act of victimisation on the part of the Management, and also noted the submission of the workmen that the Labour Court did not go into the said aspect in view of its finding that the charges itself were not established and therefore, there is no necessity to go into this aspect also.

28.The learned Writ Court agreed with the submission made on behalf of the workmen that the Labour Court did not find any scope for giving any finding on victimisation, since the Labour Court was impelled and constrained to interfere with the punishment meted out to the workmen on the principal ground that the charges itself were not proved.

29.It is the argument of Mr.Sanjay Mohan that the Labour Court having held so, erred in holding that there was a case of victimisation of the respondent/workmen. By referring to the

decision in Messrs Bharat Iron Works(supra),it is submitted that the onus of establishing a plea of victimisation is on the workmen, who raised such a plea.

30.Mr.V.Prakash, learned Senior Counsel referred to the decision in the case of Workmen of Williamson Magor (supra). In the said decision, the question which fell for consideration was whether the Management granting promotion to junior employees superseding the rightful claim of senior employees amounted to victimisation. The Court noted the decision in the case of Bharat Bank Ltd. vs. Employees of Bharat Bank Ltd. reported in (1950) SCR 459 wherein it was observed that victimisation is an ordinary English word which means that a certain person has become a victim, in other words, that he has been unjustly dealt with. The Court held that the word victimisation can be interpreted in two different ways, the interpretation which is in favour of the labour should be accepted, as they are the poorer section of the people compared to the Management.

31.To arrive at a correct conclusion as to what is the interpretation which the learned Writ Court had given, we need to read paragraph 22 of the impugned order in its entirety. If done, the picture which emerges is that the charge laid against the respondent/workmen was one of indiscipline and in terms of standing orders, if the workmen is to be proceeded against, he should be put on notice and enquiry should have been conducted. The learned Writ Court found that this procedure was not followed, there has been violation of principles of natural justice, the workmen were not given any opportunity to put forth their stand and the reason given for not conducting the domestic enquiry was not justified, consequently, the action of dismissal of the workmen was arbitrary and amounted to victimisation. Thus, the conclusion of the learned Writ Court on the plea of victimisation was, in fact, on the ground that the action of the appellant/Management was arbitrary and in violation of principles of natural justice. This, in our opinion, would be a proper understanding of the finding recorded by the learned Writ Court in paragraph 22 of the impugned order. Thus, we reject the plea raised by the Management in this regard.

32.The decision of the Hon'ble Supreme Court in Hombe Gowda Educational Trust (supra) was pressed into service to state that Courts should strike a balance between the earlier approach of industrial relations wherein only the interest of the workmen was sought to be protected with the avowed object of fast industrial growth of the country. Therefore, it was contended that the learned Writ Court ought to have moulded the relief. It may not be necessary for us to go into the factual scenario in the said decision which pertains to an educational institution where the charge was that the employee assaulted the Principal of the institution with a chappal and on the facts of the said case, an observation was made as to how a balance has to be

struck while considering the interest of the workmen and that of the establishment in view of the change in economic policy of the country. We are of the view that the said decision can be of no assistance to the case of the appellant.

33. Having held that the plea of lack of confidence is not sustainable, we cannot substitute the conclusion arrived at by the Labour Court which was after recording a factual finding that the charges against the workmen were not proved by the Management. Thus, it gives no room for any different thought process or moulding of relief.

34. Mr. Sanjay Mohan, submitted that the workmen were out of employment since 2004 and the type of machinery used by the appellant/Management has drastically changed and it would not be conducive to re-employ the workmen. The order of dismissal was passed on 18.03.2004 and immediately thereafter, the workmen raised the dispute which was taken on file in the year 2005 and the Labour Court passed the award on 05.04.2011. It was well open to the appellant/Management to comply with the award, but they chose to challenge the award by filing writ petitions before this Court. The order to pay wages under Section 17-B of the Act was complied with by the Management. The writ petitions were dismissed by the impugned order dated 18.03.2019. Thus, the time taken in these judicial proceedings cannot be put against the workmen to state that they will be unfit for being re-employed at this juncture. In any event, they are workmen and the appellant/Management has a policy of recruiting apprentices, who are given on the job training by the appellant/Management to be later on absorbed as regular employees. Therefore, even assuming that the plea raised by the appellant/Management that there is change of machinery, change in the manufacturing process etc., all that would require to make the respondent/workmen employable in the present circumstances is to impart training. Undoubtedly, they are not raw hands but, have been in employment of the appellant/Management since 1997/1993 respectively.

35. Thus, for all the above reasons, we are of the firm view that the order passed by the learned Single Bench is fully justified and does not call for any interference.

36. In the result, these writ appeals fail and they are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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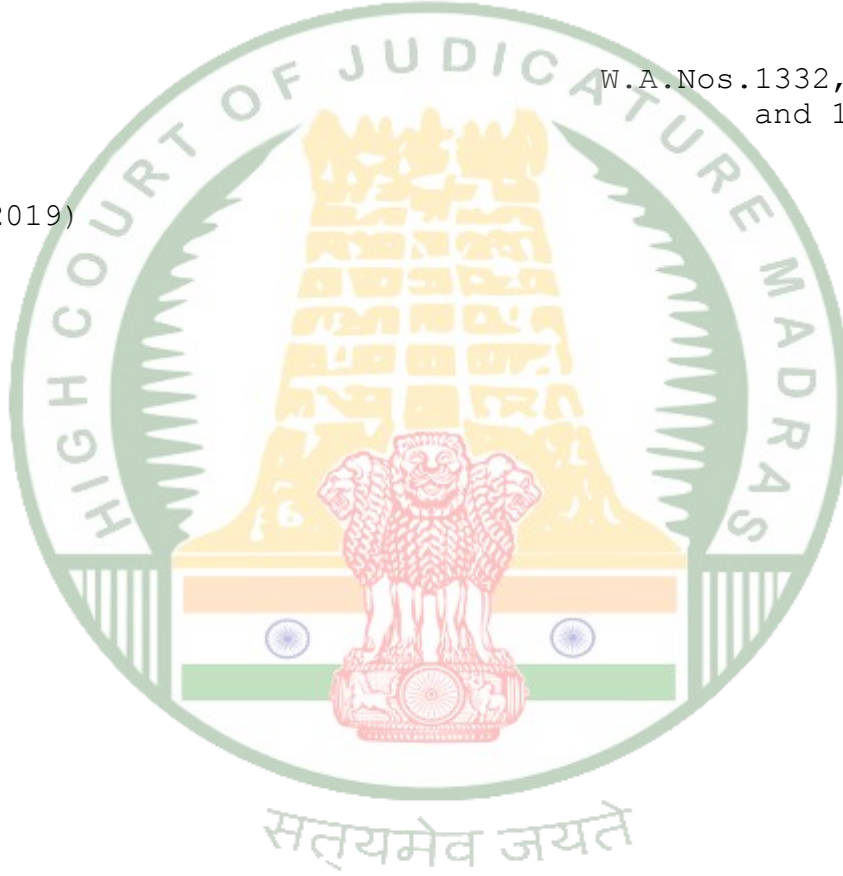
The Presiding Officer,
Principal Labour Court,
Vellor.

+1cc to Mr.K.Sudalai Kannu, Advocate, S.R.No. 39422

+5cc to Mr.S.Ramasubramaniam, Advocate, S.R.No. 38613, 38614,
38615, 38616

W.A.Nos.1332, 1333, 1335
and 1340 of 2019

BS (CO)
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