



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM

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THE HONOURABLE MR.JUSTICE **S . S . SUNDAR**

W.P. (MD)Nos.2714 and 2715 of 2014
and
M.P. (MD)Nos.1, 1, 2, 2, 3, and 3 of 2014

W.P. (MD)No.2714 of 2014:-

The Management,
State Industries Promotion Corporation
of Tamil Nadu Limited,
Dindigul

:Petitioner

vs.

1.P.Periyamayan

2.Tamil Nadu Water Board,
Ganesh Nagar, Madurai.

3.The Presiding Officer,
Labour Court, Trichirapalli.

:Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue Writ of Certiorari, to call for the records of the order passed in I.D.No.33 of 2002, dated 13.09.2012 on the file of the Industrial Tribunal, Coimbatore, the second respondent herein and quash the said Award.

For Petitioner :Mr.N.Aditya Vijayalayan

For R1 :Mr.G.M.Xaver

For R2 :Ms.Porkodi Karnan

W.P. (MD)No.2715 of 2014:-

The Management,
State Industries Promotion Corporation
of Tamil Nadu Limited,
Dindigul

:Petitioner

vs.

1.R.Murugan

<https://hcservices.ecourts.gov.in/hcservices/>



2.Tamil Nadu Water Board,
Ganesh Nagar, Madurai.

3.The Presiding Officer,
Labour Court, Trichirapalli.

:Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue Writ of Certiorari, to call for the records of the order passed in I.D.No.32 of 2002, dated 13.09.2012 on the file of the Industrial Tribunal, Coimbatore, the second respondent herein and quash the said Award.

For Petitioner :Mr.N.Aditya Vijayalayan

For R1 :Mr.G.M.Xaver

For R2 :Ms.Porkodi Karnan

COMMON ORDER

These Writ Petitions have been filed by the Management of SIPCOT, as against the award of Labour Court in I.D.Nos.32 and 33 of 2002.

2.It is stated by the petitioner that the petitioner undertook a project and the project was executed by the second respondent. It is further stated that the entire cost of project was disbursed to the second respondent in advance and that the second respondent by engaging their men, completed the project. It is also stated that there is no employer and employee relationship between the petitioner and the second respondent and that after completion of the work, the petitioner cannot give employment to anyone, who was engaged by the second respondent, to complete the project for the petitioner. It is further stated that the first respondent in the Writ Petitions were temporarily engaged by the second respondent and that the first respondents who was working for a period of 56 days, is not entitled to the relief of reinstatement.

3.Before the Labour Court, neither the petitioner nor the second respondent produced any record to show that the workmen, who raised the industrial disputes, had not worked for more than 240 days in any year between 1997 and 2001. The Labour Court accepted the contentions of the first respondent in the respective writ petitions that they worked continuously for more than 240 days in a year and that therefore, their termination is illegal. Since the workmen were denied employment without following the procedure, as contemplated under Section 25(F) of Industrial Disputes Act, the Labour Court came to the conclusion that the workmen, even though were employed on daily wage basis, are entitled to the relief of



reinstatement. As against the order of Labour Court, the above Writ Petitions are filed.

4.The petitioner as well as the second respondent are State Government undertakings. It is unfortunate to note that both of them have not produced any records, which are available with them atleast with regard to the engagement of workmen. Though the petitioner states that the records are maintained only by the second respondent, the second respondent specifically denied keeping any records with regard to engagement of workmen in relation to the completion of the project for the petitioner. Adverse influence ought to have been drawn against the petitioner and the second respondent.

5.It is in these circumstances, this Court is unable to find any error or irregularity in the conclusion of the Labour Court. Hence, these Writ Petitions are dismissed and the impugned order passed by the Labour Court, in I.D.Nos.32 and 33 of 2002, dated 13.09.2012 are confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Presiding Officer,
Labour Court, Trichirapalli.

+2 CC to M/s.G.M.XAVIER, Advocate (SR-98455 & 98458 [F] dated 15/11/2019)

W.P.(MD)Nos.2714 and 2715 of 2014
13.11.2019

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