



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

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THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.22534 of 2012

The Management,
Tamilnadu Minerals Ltd.,
Villupuram.

... Petitioner

vs

1. The Presiding Officer,
Labour Court, Cuddalore.

2. M.Manibalan,
S/o Munusamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records pertaining to I.D.No.4/2008 on the file of the 1st respondent/Labour Court, Cuddalore and to quash the order dated 21.02.2012 passed by the 1st respondent in the said I.D.No.4/2008.

For Petitioner : Mr.N.Ramiah

For Respondents: Mr.G.Mugesh Kumar for R2

O R D E R

This writ petition is filed challenging the award of the Labour Court dated 21.02.2012 made in I.D.No.4/2008.

2. The Management is the writ petitioner. The 2nd respondent herein approached the Labour Court and filed the said I.D. under section 2A(2) of the I.D. Act to set aside the oral dismissal dated 17.03.2007 and for reinstating him with continuity of service, backwages and the other attendant benefits.

3. The case of the 2nd respondent herein before the Labour Court is as follows:

He was appointed as excavator operator on 11.02.2004 and he worked continuously under such capacity from 11.02.2004 to 16.03.2007. He worked 240 days in a year continuously. His request for making him as a permanent employee was not considered and on the other hand, the Management, without any reason, stopped him from doing his duty from 17.03.2007 orally. The conciliation proceedings before the Labour Officer failed. Therefore, the said I.D. was filed.



३.१ सामान्य अवधि

6. Therefore, in the above stated facts and circumstances, the Labour Court, by taking adverse inference against the Management for suppressing the material documents and by taking note of the evidence let in by the workman viz., Exs.W2 to W4, has passed the impugned award directing reinstatement with continuity of service only with 25% of the backwages, also by indicating that the workman is not entitled for other attendant benefits. I find that the above Award of the Labour Court does not require any interference in view of the admitted position that the Management has failed to prove their case before the Labour Court by adducing any evidence, though they were given sufficient opportunity to do so. Learned counsel for the petitioner Management also submitted that during the pendency of the writ petition, the Management has taken the 2nd respondent in service in lieu of paying Section 17-B wages. Therefore, admittedly, the 2nd respondent is now working under the petitioner Management.



7. Considering all the above facts and circumstances, this Court is of the view that no valid ground is made out to interfere with the impugned award. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi
To

The Presiding Officer,
Labour Court,
Cuddalore.

W.P.No.22534 of 2012

A.SK(25/02/2020)