

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33827 of 2014

G.Narayanan
S/o.Govindan

... Petitioner

vs.

1.The Presiding Officer
The Principal Labour Court
Vellore.

2.The Management
Special Officer
C-2499, Kaakangarai Primary Agricultural
Co-operative Bank Ltd.,
Kannakangraia Post,
Thirupattur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the Award dated 25.07.2012 passed in I.D.No.83 of 2011, quash the same and consequently, direct the 2nd respondent to reinstate the petitioner in service with continuity, backwages and other attendant benefits.

For Petitioner : Mr.S.T.Varadarajulu
For Respondents : Mr.S.Sairaman, for R2

सत्यमेव जयते
O R D E R

This writ petition is filed challenging the award of the Labour Court dated 25.07.2012 made in I.D.No.83 of 2011.

2. The writ petitioner is the Workman. He filed the said industrial dispute under Section 2A(2) of the Industrial Disputes Act, 1947, seeking for reinstatement with continuity of service, full backwages and all other attendant benefits from the date of his termination of service viz., 17.01.2007. The Labour Court after hearing both parties and considering their respective pleadings as well as the evidences let in on their side,

dismissed the industrial dispute. Hence, the present writ petition is filed before this Court.

3. Mr.S.T.Varadarajulu, learned counsel for the petitioner submitted that the Labour Court has erroneously come to the conclusion that the writ petitioner did not work for 240 days from February 1994 to November 1994 without properly considering Ex.W5, an information received by the petitioner under the Right to Information Act, 2005, from the Special Officer, which clearly indicates that the petitioner worked for 255½ days from February 1994 to December 1994. He further submitted that even assuming the petitioner has worked only 232 days as claimed by the Management, if Sundays and Holidays are included, it would come more than 240 days and therefore, the petitioner ought not to have been terminated from service on the reason that he worked less than 240 days.

4. On the other hand, the learned counsel for the second respondent-Management supported the order of the Labour Court and submitted that since the petitioner had worked only 232 days and not 480 days as required under the relevant provision, he was not granted the relief rightly.

5. Heard both sides and perused the materials placed before this Court as well as the award passed by the Labour Court.

6. It is seen that the petitioner herein was appointed on 01.02.1994 on daily wage basis and that the petitioner claims that he worked for more than 240 days and hence, he is entitled for the relief sought for in the industrial dispute. It is the case of the Management, based on Ex.M9 and Ex.M10-Attendance Registers, that the petitioner/Workman worked from February 1994 to November 1994 only for 232 days. To disprove the said contention, the Workman filed Ex.W5 dated 11.05.2007, a communication stated to have been received from the Special Officer of the 2nd respondent-Society informing the petitioner that he worked for 255½ days from February 1994 to December 1994. The Management disputed the said document filed under Ex.W5 and marked a copy of the very same document as Ex.M3. The Labour Court on perusing both the documents found that Ex.W5 is not a genuine document, since the font found in the first page of Ex.W5 differs with the font found in the first page of Ex.M3.

7. In order to find out as to whether such finding of the Labour Court on Ex.W5 is correct or not, this Court perused those two documents. As rightly pointed out by the Labour Court, the first page of Ex.W5 and Ex.M3 stated to be one and the same document, not only differs in the font but, also the contents

provided therein. When the information furnished under Ex.M3 ends with the month of November 1994, Ex.W5 contains one more month i.e. December 1994 with 24 days as alleged working days. It is further seen that it is only a copy of the communication dated 11.05.2007 received under the RTI Act, was marked as Ex.W5. Therefore, both documents should tally with each other. On the other hand, it is apparent that the first page of the said communication dated 11.05.2007 as found in Ex.M3 is totally replaced with the first page found in Ex.W5. Thus it is evident that the petitioner himself prepared the first page in Ex.W5 and filed the same before the Labour Court, as if the said information is furnished by the Special Officer under the RTI Act. This act of the petitioner clearly demonstrates that he wanted to play fraud on the Court by forging the document. The Labour Court, thus, rightly dismissed his claim petition. Therefore, only on the ground of fraud played by the petitioner, this Court is inclined to dismiss the writ petition without going into the other merits of the matter, which the learned counsel for the petitioner seeks to raise.

8. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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2.The Management
Special Officer
C-2499, Kaakangarai Primary Agricultural
Co-operative Bank Ltd., Kannakangraia Post,
Thirupattur.

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mr(co)
nr 03/03/2020