



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.34638 of 2003
and W.M.P.No.42084 of 2003
(Through Video Conference)

M/s. ICA (Madras) Private Limited,
Rep. by its Director Mr.S.Natarjan,
No.99, Royapettah High Road,
Mylapore, Chennai 600 004

...Petitioner

-vs-

1) The Presiding Officer,
Principal Labour Court,
Chennai.

2) D.Vijayakumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the first respondent and quash the order of the 1st respondent Labour Court, Chennai dated 27.05.2003 in C.P.No.271 of 2000.

For Petitioner : Mr.B.Natarajan

For Respondents: No Appearance

O R D E R

This Writ Petition has been filed, seeking to quash the order of the 1st Respondent dated 27.05.2003 made in C.P.No.271 of 2000, by which, the money value of the benefits due to the Workman has been computed at Rs.52,000/-.

2. The case of the Petitioner/Management is that the the Employee had approached the Authority under the Tamil Nadu Shops and Establishment Act, 1947 (in short 'the Act, 1947'), on the presumption that he was denied employment and the Authority had disposed of the Appeal, on the basis of the statement made by the Management that the Employee would be provided with a job and wages for 22 days would be paid. It is further case of the Management that, the wages for 22 days have been paid to the Employee and it was the Employee, who had abandoned the service and filed a Computation Petition before the Labour Court, on the false averment that the Management refused to give job.

2.1. According to the Management, the Employee had reported for work only for two days and thereafter, he was



absent from duty. The Labour Court, despite production of the Attendance Registers from September 1998 to March 1999 and from January 2000 to March 2000 as Ex.16 by the Management, has held that the Management had not properly denied the averments made by the Workman that he was not given any job as per the direction of the Authority.

3. The issue, as to whether there is an automatic abandonment or the Management has refused to permit the Workman to report for work can be decided only by the Labour Court or Tribunal, if raised under Section 2A of the I.D.Act, 1947. In spite of affording several opportunities to the Workman, he had not chosen to represent this case either in person or through Counsel. It is seen that this Writ Petition is of the year 2003 and almost 20 years have gone by from the period of claim. Though the argument advanced by the Management appears to be sound, admittedly, the Workman claimed the amount for the period from 01.06.1998 to 31.05.2000. The Labour Court has computed the amount and after analyzing the oral and documentary evidence, held that the Workman would be entitled to a sum of Rs.52,000/- (Rupees Fifty Two Thousand) and no interest has been awarded.

4. Taking note of the fact that 20 years had already elapsed in the form of litigation, and that the order of the Labour Court is based on a finding of the fact, this Court is not inclined to interfere with the order of the Labour Court and the Workman is entitled to get the amount, as computed by the Labour Court.

5. With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.No.42084 of 2003 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sts

To:

The Presiding Officer,
Principal Labour Court,
Chennai.

W.P.No.34638 of 2003

NMI (CO)
A.SK(26.11.2021)