

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.15793 of 2020
and W.M.P.No.19632 of 2020

JSW Steel Limited,
Rep. by its General Manager,,
HR and Administration,
Salem Works : P.O.Pottaneri,
Mecheri, Mettur Taluk,
Salem District - 636 453. ... Petitioner

Vs.

S.Krishnamoorthy ... Respondent

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of Additional Labour Court, Coimbatore, in I.D.No.75 of 2019, quash the impugned preliminary award dated 15.06.2020 and consequently, direct the Labour Court to reject the dispute raised by the respondent.

For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge

For Respondent : Mr.V.Ajoy Khose

सत्यमेव जयते
O R D E R

Challenge to the Writ Petition is the Preliminary Award passed by the Labour Court in I.D.No.75 of 2019 dated 15.06.2020.

2. The Writ Petitioner herein has raised a preliminary issue as to whether the respondents are the workers or not?

3. It is submitted by the learned counsel for the petitioner that the petitioner has filed the written arguments and cited various decisions of the Hon'ble Supreme Court on this aspect. But, according to him, the judgments cited by him were

not at all considered. Had the Labour Court considered the judgments, the course of the preliminary award would have been different. Therefore, he would contend that the preliminary Award must be set-aside.

4. On the other hand, the learned counsel for the respondent would contend that the Labour Court has considered all the judgments and passed a well considered order. However, in order to save time, and instead of waiting for the final disposal of the Writ Petition, the respondent is ready to re-argue the preliminary issue once again before the Labour Court, provided the petitioner would not protract the proceedings, by challenging the preliminary award again.

5. The Labour Court has considered the materials with regard to the preliminary issue and passed an elaborate order. However, an argument has been advanced that the judgment relied on by the petitioner if considered, would change the course of the preliminary award and would lead to a finding that the respondent is not a workman. In that event, they need not undergo to the unnecessary ordeal of trial. As suggested by the counsel for the respondent, instead of keeping the matter pending for years together, it is better to dispose of the Writ Petition without wasting further time.

6. Therefore, without going into the merits of the Award, by consensus, the Preliminary Award passed by the Additional Labour Court, Coimbatore, in I.D.No.75 of 2019 dated 15.06.2020 is set aside and the matter is remanded to the Labour Court, for consideration afresh. The Additional Labour Court, Coimbatore, is directed to consider the preliminary issue taking into consideration of all the decisions cited by the petitioner as well as the respondent and after affording opportunity to both the parties to make further submissions and decide the matter on merits. If at all, the petitioner is aggrieved by fresh finding, they can raise it as a ground while challenging the final Award.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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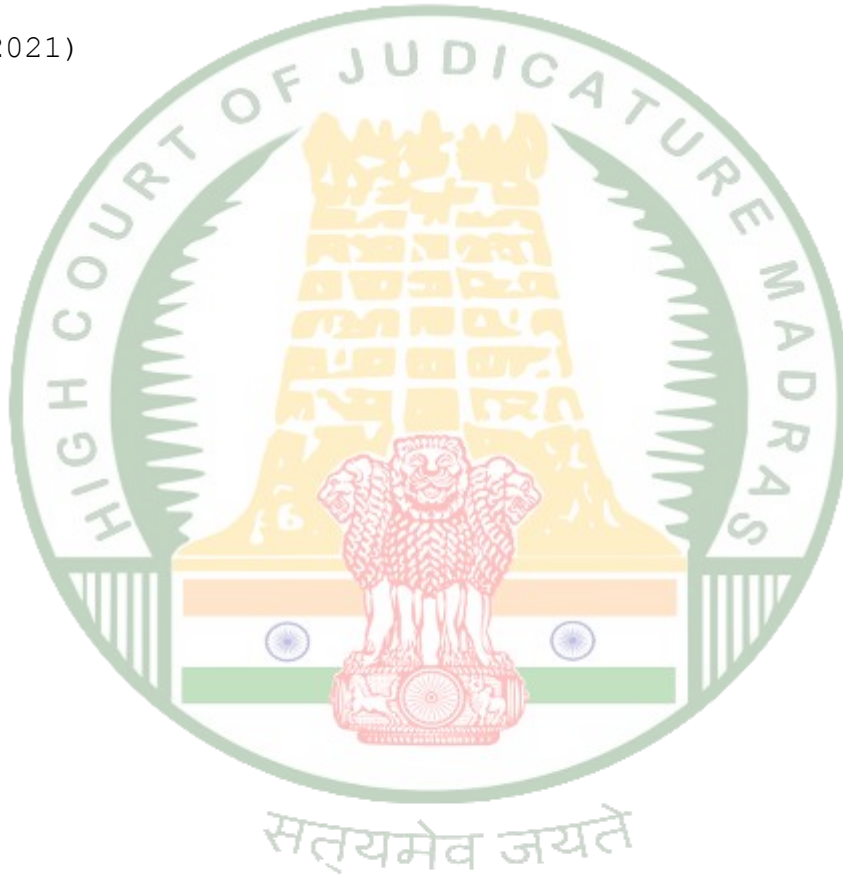
The Additional Labour Court,
Coimbatore.

+1cc to M/s.V.Ajoy Khose, Advocate SR.8091

+1cc to M/s.King and Patridge, Advocate SR.7993

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SSV(CO)
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