



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

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THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.11517 of 2017
and
W.M.P.No.12506 of 2017

The Management
M/s.BIC Logistics Venture Limited
Represented by its Director
Mr.Prem Kumar Jha
Son of Late.I.N.Jha
No.282, Sarita Vihar, New Delhi
Branch Address(old);
Badri Nagar, Trichy Main Road
Gugai, Salem-6.

...Petitioner

Vs

1. A.Manickam

2. The Presiding Officer
Labour Court
Salem, Salem District

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, calling for the records which relates to the impugned Ex-parte award dated 15.04.2013 passed in I.D.No.226 of 2010 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.L.Poovendra perumal
for M/S.Sai Associates

For R-1 : R.M.D.Nasrullah

For R-2 : Labour Court

O R D E R

The scope of interference to an award of the Labour Court by this Court exercising its powers under Article 226 of Constitution of India is very limited to cases where the Award is based on no evidence, etc. In the instant case, when the 1st respondent herein had challenged his oral termination dated



1.11.2009, the Management had reported before the Labour Court that they have no instructions to pursue with the Industrial Dispute. Further, they had not let in any oral or documentary evidence before the Labour Court. In this background, the Labour Court had set aside the order of termination and directed the Management to reinstate the 1st respondent herein with all benefits.

2. The grounds raised in the present Writ Petition touches upon the merits of the dispute. According to the learned Counsel for the petitioner, the 1st respondent herein was not in their services at any point of time. This factual aspect cannot be gone into by this Court in a Writ Petition. More so, when the Management had not chosen to participate in the Industrial dispute before the Labour Court and had not let in any evidence to substantiate their claim, it would not be now open to them to go into merits of the claims made by the workmen before the Labour Court. As such, I do not find any grounds to interfere with the award of the Labour Court. This Writ petition is dismissed, accordingly. The connected miscellaneous petition is closed. No costs.

3. In view of the dismissal of the present Writ petition, the Management shall pay the last drawn wages as under Section 17(B) of the Industrial Disputes Act, 1947 to the 2nd respondent as ordered by this Court in the interim order dated 27.10.2021.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

gd

To

The Presiding Officer
Labour Court
Salem, Salem District.

+1cc to M/s.K.V.Shanmuganathan, Advocate, S.R.No.68369
+1cc to M/S.Sai Krishnan, Advocate, S.R.No.68744

W.P.No.11517 of 2017

KSM[co]
NSK 11/01/2022