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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.16003 of 2013  
and  
M.P.Nos.1 & 2 of 2013

The Management,  
Twin Star Engineering,  
No.2, Tiruneermalai Road,  
Pammal, Chennai - 600 075.

...Petitioner

-Vs-

1.The Presiding Officer,  
3<sup>rd</sup> Additional Labour Court,  
Chennai.

2.G.Umapathy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the Award passed by the 1st respondent in I.D.No.341 of 2002 dated 09.10.2012 and to quash the same as unsustainable in law.

For Petitioner : Mr.R.Ramachandran  
for Ms.N.Kavitha  
For R1 : Labour Court  
For R2 : Mr.S.Ravi

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. Aggrieved against the non-employment, the petitioner had raised a claim under Section 2A of the Industrial Disputes Act, 1947 and by an award dated 09.10.2012, the Labour Court had directed for reinstatement with continuity of service, but without any back wages or other benefits.

3. The learned counsel for the petitioner submitted that the Company is no longer in existence and that the second respondent herein was paid the last drawn wages under Section 17B of the



Industrial Disputes Act, in view of the interim order passed by this Court. Subsequently, it was found that he was gainfully employed and therefore, this Court had recalled the order passed under Section 17B.

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4. The only ground raised by the petitioner in this writ petition is that the second respondent had not worked for a continuous period of 240 days and therefore, the Labour Court was not correct in ordering for reinstatement.

5. A perusal of the impugned award reveals that the workman had produced 4 documents, including proof of having received the pay, together with the conciliation failure report. The Labour Court had placed reliance on these documents and had found that the petitioner was employed for a continuous period of 240 days in 12 calendar months and consequently had ordered for reinstatement.

6. When the Labour Court had rendered such a finding based on the documents before it, this Court would not be justified in interfering with such factual finding, by re-appreciating the evidences. Such exercise of powers also has been held to be incorrect. Under these circumstances, the ground raised by the petitioner cannot be sustained.

7. For the foregoing reasons, I do not find any merits in the present writ petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

hvk

To

The Presiding Officer,  
3<sup>rd</sup> Additional Labour Court,  
Chennai.

+1cc to Mr.N.Kavitha Rameshwar, Advocate, S.R.No.24752

+1cc to Mr.S.Ravi, Advocate, S.R.No.25067

W.P.No.16003 of 2013  
and

M.P.Nos.1 & 2 of 2013

KK(CO)  
RN(29/04/2022)