



C.R.P.No.2248 of 2020
and C.M.P.No.20055 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

C.R.P.No.2248 of 2020

and

C.M.P.No.20055 of 2022

S.Ravichandiran

...Petitioner

Vs.

The Management/Secretary,
North Arcot Sarvodaya Sangam,
No.55/32, Filterpet Road,
Vellore - 632 001.

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal orders dated 14.02.2020 passed in E.P.No.14 of 2019 in I.D.No.27 of 2010 on the file of the Principal Labour Court, Vellore.

For Petitioner : Mr.R.Vivekanandan for
Mr.R.Subramanian

For Respondent : Mr.A.Venkatesh Kumar for
Mr.Gupta & Ravi



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ORDER

The revision petitioner (since deceased) is the workman/petitioner in E.P.No.14 of 2019 in I.D.No.27 of 2010 on the file of the Principal Labour Court, Vellore. He filed the said EP against the Management / Secretary, North Arcot Sarvodaya Sangam, No.55/32, Filterpet Road, Vellore, for arresting him for non-compliance of the award dated 15.06.2015 passed in I.D.No.27 of 2010 on the file of the Principal Labour Court, Vellore.

2.The learned Presiding Officer, Principal Labour Court, Vellore, vide his orders dated 14.02.2020 dismissed the EP.No.14 of 2019 by observing thus :

".....It is also admitted by the petitioner in this case during the cross examination that he was contesting the said RCOP by demanding the amount alleged to be paid by them to the said petitioner Chidambaram of RCOP and also that they are the owners of the shop which was conducted in the premises. It is also admitted by PW1



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during the cross examination that the possession of the said premises has not been handed over so far to the petitioner in RCOP.

10) The petitioner side by marking the Ex.P5 Certificate issued by the Assistant Commissioner (ST), Vellore (South) and by pointing out the averment made in the RCOP petition, wherein in Para.3 it is stated as the Respondent (the present Petitioner and his wife) had closed the shop in the month of August 2011, argued that the Petitioner has proved as he is not engaged in any alternative gainful employment. In the Ex.P5 Certificate it is mentioned only that Sarvo Khadi Bhavan, Proprietor R.Muthulakshmi (Wife of the Petitioner) had not filed Annual Return from 01.04.2011 upto the date of cancellation of Registration namely on 31.07.2014. In the Ex.P6-Copy of Amended petition of RCOP No.21/2012, in para 2 it is stated that the Respondent had closed the shop in the month of August 2011 and kept under lock and key This Court is not able to accept the contention of the Petitioner on the basis of Ex.P5 and the averments made premises is alleged to be still with the Petitioner only. Apart from that, this Court has categorically held



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in the Ex.R5 - Order dated 03.01.2019 passed in CP.No.49 of 2017 after perusing the documents now produced by the Petitioner as Ex.P1 to Ex.P4 and P6 along with other documents that the argument of the Petitioner that he was not gainfully employed during that period is not at all believable and this Court is not able to consider the case of the Petitioner for the reasons that he has not reported duty after shortly from the date of award and also he has gainfully employed during that period and he was not interested in reporting work all along a period of six years and during that period he has engaged with his own business and gainfully employed and accordingly the petition deserved to be dismissed".

Aggrieved over which, the present Civil Revision Petition is filed.

3.During the pendency of the present revision petition, it is represented that the workman i.e. revision petitioner died and the petition in CMP.No.20055 of 2022 is filed to bring on record the petitioners 2 & 3 as legal heirs of the deceased sole petitioner. Even as per the award passed in I.D.No.27 of 2010, there was a direction to the respondent/ Management to reinstate the revision petitioner in service without any



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backwages and it is seen from the orders passed in E.P.No.14 of 2019 the revision petitioner did not show any interest in joining duty and it was also admitted that he was gainfully employed some where. In the circumstances, impleading the legal heirs is not at all warranted. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is also dismissed.

21.11.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.

mtl

To

- 1.The Principal Labour Court, Vellore.
- 2.The Section Officer, VR Section, High Court, Madras.

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