



W.P.(MD).No.12028 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD).No.12028 of 2013

R.Ravi

... Petitioner

vs.

1.The Presiding Officer,
Labour Court,
Tirunelveli.

2.The Management,
Sakunthala Lodging and Hotel,
Vannarpettai,
Tirunelveli-3.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the impugned award dated 12.08.2011 passed by the first respondent in I.D.No.47 of 2009 and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango

For Respondents : No appearance



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3. There is no representation for the respondents.

4. Considered the submissions of the learned counsel for the petitioner and perused the records.

5. It is seen from the records produced, especially the order of the Labour Court, that the specific case of the petitioner is that the petitioner was working as an Assistant Master (Cook) for 10 years. There is also a specific plea in his petition that he was issued a service card and he comes under the Provident Fund Scheme. The Labour Court Judge, on going through the documentary evidence in the form of Exs.P1 to P7 and M.Os.1 to 5, came to the conclusion that the petitioner was not able to prove his claim of working under the second respondent for 10 years. The Labour Court found that the petitioner has not produced the service card allegedly issued to him. When he claims that he comes under the Provident Fund scheme, there is no material produced to show that he was a Member of the Provident Fund Scheme. If he was a Member of Provident Fund Scheme, he could have produced some documents from Provident Fund Office to show that he was working under the second respondent and provident fund was deducted. It is also found that the



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petitioner has not even examined the co-worker to show that he was under the employment. Therefore, the Labour Court found that the petitioner has failed to discharge the burden of proof that he was working under the second respondent for 10 years. It is seen that the second respondent has produced the copy of the wage register, attendance register, medical record, service register and holiday register in support of their case that the petitioner is not working under the respondent.

6. When the second respondent denies that the petitioner is not a workman under the second respondent, it is primarily the responsibility of the petitioner to prove that he is a workman and entitled to the benefits under the Industrial Disputes Act, 1947. This primary responsibility of the petitioner was not discharged by the petitioner. Therefore, the Labour Court Judge, for the reasons stated above, found that the petitioner is not entitled for any relief and dismissed the claim of the petitioner. This Court, on going through the materials produced, award of Labour Court and the submissions of the learned counsel for the petitioner, finds no reason to take a different view.



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7. In this view of the matter, the award passed by the first respondent in I.D.No.47 of 2009, dated 12.08.2011 is confirmed and the Writ Petition is dismissed. No costs.

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To

- 1.The Presiding Officer,
Labour Court,
Tirunelveli.
- 2.The Management,
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G.CHANDRASEKHARAN,J.

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