



W.P.No.14379 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.07.2023

PRONOUNCED ON : 13.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.P.No.14379 of 2005

P.Anandan

: Petitioner

-VS-

1.The Presiding Officer,
Labour Court, Vellore.

2.E.I.D. Parry (I) Limited.
Ranipet.

3.R.Ravindrakumar

4.K.Vijayakumar

5.S.Madankumar

6.N.Thiagarajan

7.S.Chandrasekar

8.M.Muthu

9.M.Selvaraj

10.M.Muniyandi

11.A.Muthu

: Respondents

[3 to 11 are residing at No.8, Parry Nagar, Ranipet, Vellore.]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the first respondent in I.D.Nos.312, 315, 317, 318, 319, 322, 323, 324 and 325 of



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2000 and quash his Award dated 29.10.2004.

For Petitioner : Mr.M.R.Raghavan
For R1 : Labour Court
For R2 : Mr.T.S.Gopalan & Co
For R3 to R11 : Mr.S.T.Varadharajulu

ORDER

This writ petition is filed challenging the award passed by the Labour Court in I.D.Nos.312, 315, 317, 318, 319, 322, 323, 324 and 325 of 2000, dated 29.10.2004, wherein the reinstatement of service with backwages was ordered from the date of termination, ie., from 20.05.2000 to 09.05.2023.

2.The respondents 3 to 11 are the labourers working under the writ petitioner, who is a Contractor for the second respondent, namely, E.I.D. Parry (I) Limited. The second respondent was carrying on the manufacturing unit of the fertilizers and the chemical products, in which, the petitioner herein was an authorised contractor and due to difference of opinion between the petitioner and the second respondent company, the private respondents have been terminated with effect from 20.05.2000 and hence, they have filed an Industrial Dispute.



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3. The court records reveals that an interim order of stay was granted on condition that the petitioner/contractor deposits the entire backwages awarded by the Labour Court within a period of six weeks from 28.04.2005, failing which, the interim order of stay shall stand vacated automatically and by an order dated 08.04.2006, the interim stay petition was dismissed for non-compliance of the order.

4. Heard the learned counsel on either and perused the material records of the case.

5. Before the Labour Court, the company has stated that they are not engaged by the company it has been engaged by the authorised contractor namely, the petitioner herein. After enquiry, the Labour Court, taking into consideration the evidence of the workman, Thiayagarajan (the petitioner herein in I.D.No.318 of 2008) and the evidence of the Management, viz., Anandan, who is the petitioner herein in the present case and the documentary evidence of the Management, viz., Ex.M.1 to Ex.M.9, has



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come to the conclusion that the petitioner herein is a benami contractor and hence, the termination is bad in law and also stated that inspite of the letter to report the duty for work on 09.05.2003, the private respondents have not reported for work and also held that on taking note of Ex.M.9, the letter has been duly served upon the labourers, however, they refused to come and join the work and they wanted to earn money without doing the work. Hence, the Labour Court held that the workmen are entitled for backwages from the date of the termination order namely, 20.05.2000 to 09.05.2003 is just and proper does not require any interference.

6. Accordingly, this Writ Petition is dismissed. No costs.

13.12.2023

Index: Yes / No
Internet: Yes / No
NCC : Yes/No
sjj

To

The Presiding Officer,
Labour Court, Vellore.



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RMT. TEEKAA RAMAN, J.

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**Pre-Delivery Order made in
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