



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28604 of 2016

and

W.M.P.No.24674 of 2016

The Management,
M/s.South India Surgical Company Ltd,
No.6/153, Mount Poonamallee Road,
Ramapuram, Chennai-600089.

Petitioner

Vs

1. The Presiding Officer
1st Additional Labour Court, Chennai.

2.S.Desan
S/o.Sabapathy,
No.2/664, Bajanai Koil Street,
Mugaliwakkam, Chennai-600 116.

Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for relevant and connected records relating to the impugned order dated 31st March, 2016 passed in I.D.no.759 of 2010 on the file of the 1st respondent and to quash the same.

For Petitioner :Mr.R.Muruga Bharathi

For Respondents :R1-Court

M/s S.Ravi for R2



ORDER

WEB COPY The writ petition is filed challenging the award of the I Additional Labour Court, Chennai, 31.03.2016 made in I.D.No.759 of 2010.

2. The case of the workman in the above industrial dispute is that he was working as a press operator in the respondent-management unit at Ramapuram Chennai. While so, when the petitioner and some of the workmen joined the trade union, the management threatened them not to join the trade union and since the petitioner did not heed to the said threat, he was victimised and suddenly, an order was passed on 09.10.2008 transferring him to Triplicane and that too, for the job which the petitioner had never done. It was the case of the workman that the transfer is nothing, but non-employment by way of victimisation and there was neither any reason nor any power for the management to indulge in the said exercise of transfer. When the workman raised a dispute and conciliation having failed, the claim petition was taken on file as I.D.No.759 of 2010.

3. The petitioner-management duly resisted the same by filing a counter statement. It is the case of the management that the petitioner is liable for transfer as per Clause 17 of the Standing Orders. Secondly, the transfer was made only by way of exigencies of service and not by way of victimisation. On



the said pleadings, the workman was examined as WW1 and Exs.W1 to W15 were marked on behalf of the workman. On behalf of the management, one Thangavelu was examined as MW1 and Ex.M1 to M3 were marked. The Labour Court considered the case of the parties. Even though it is pleaded by the management that the transfer was by way of exigencies of service, the Labour Court considered the evidence of MW1 and submitted that MW1 was not in a position to explain as to what was the exigency of service in which the Workman was transferred. Further, no such Standing Order that enables the management to transfer the workman to the Triplicane Branch was also placed on record. After appreciating the further evidence of the workman the Labour Court came to the conclusion that the transfer was nothing but victimisation and amounted to non-employment and accordingly, allowed the claim petition and ordered reinstatement with back wages. It can be seen that the award was passed on 31/03/2016 and the management filed this writ petition in the year 2016 and it was dismissed for default in the year 2023 and now, the same was restored in the year 2026. In the meanwhile the computation petition is also filed by the workman and was ordered in C.P.No.8 of 2020. Till date none of the benefits have been paid to the workman.

4. I have considered the rival submissions made on either side and perused the material records of the case.



5. It can be seen that the case of the workman is that the transfer is nothing, but an order passed to non-employ the workman by way of victimisation. In support thereof, the workman was examined himself as WW1 and the copy of the letter sent by the management to the trade union was also marked as Ex.W2. When it was the contention of the management that they are entitled to transfer the workman as per the Standing Order, no such Standing Orders were marked on behalf of the management before the Labour Court. Therefore, it is for the management to prove that they have the power to transfer the workman from one unit to another which was not done by the management either before the Labour Court or before this Court. Secondly, when it is the contention of the management that the transfer is made only for the exigencies of service and when the counter-stand taken by the workman was that it is nothing but victimisation and the transferred post is also not a job that is being performed by the Workman, absolutely no reason was given by the management explaining the reason or by contending that the workman could have performed the said work also. Therefore, when the Labour Court, after due appreciation of the evidence, has come to the conclusion that the transfer is nothing but an order passed in disguise to non-employ the Workman and amounts to victimisation. The said finding cannot be held to be perverse or an impossible view. On the other hand, the Labour Court had come to a just and fair conclusion.



6. In view thereof, the writ petition lacks merits and accordingly, this writ petition is dismissed. It is made clear that the management shall comply with the award as ordered in the computation petition within a period of two months from the date of receipt of a web copy of this order without waiting for the certified copy of the order. No costs. Consequently, connected Miscellaneous Petition is closed.

13-02-2026

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Neutral citation:no

To

The Presiding Officer
1st Additional Labour Court, Chennai.



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D.BHARATHA CHAKRAVARTHY J.

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**W.M.P.No. 39714 of 2024
IN W.P.No. 28604 of 2016**

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