



WP.Nos.40898 & 40899 of 2016

In the High Court of Judicature at Madras

Dated : 20.7.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition Nos.40898 & 40899 of 2016
& WMP.No.34893 of 2016

1.T.Sekar
2.M.Senthilkumar
3.B.Mani

...Petitioners in
WP.No.40898 of
2016

1.D.Rajini
2.V.Jaikumar

...Petitioners in
WP.No.40899 of
2016

Vs

1.The Presiding Officer (Full
Additional Charge),
Additional Labour Court,
Vellore.

2.The Management of MRF Ltd.,
Ichiputhoor, Arakkonam
Taluk, Vellore District.

...Respondents in
both WPs

PETITIONS under Article 226 of The Constitution of India praying



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for the issuance of a Writs of Certiorari to call for the records of the first respondent in connection with the common award in (i) I.D.Nos. 79, 80 and 81 of 2008 (W.P.No.40898 of 2016) and (ii) I.D.Nos.78 and 82 of 2008 (W.P.No.40899 of 2016), all pronounced on 19.1.2012 and quash the same.

For Petitioners in
both the WPs : Mr.V.Prakash, Sr.C for
Mr.K.Sudalaikannu

For Respondent-2
in both the WPs : Mr.M.Vijayan for
M/s.King & Patridge

For Respondent-1 : Court

COMMON ORDER

These petitions are filed by the respective petitioners seeking to quash the common award dated 19.1.2012 in I.D.Nos.78 to 82 of 2008 on the file of the first respondent herein.

2. The facts leading to filing of these writ petitions are stated as follows :

The petitioners were working under the second respondent for more



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than seven years as apprentices. Though the petitioners were subjected to heavy workload than that of the permanent workmen, they were paid only lesser wages than that of the workmen. The petitioners services were terminated. As against the orders of termination, the petitioners raised industrial disputes individually. However, the first respondent, by the impugned common award dated 19.01.2012, dismissed the claim made by the petitioners. Challenging the same, the petitioners are before this Court.

3. The learned Senior counsel for the petitioners submit that admittedly the Labour Court vide Award dated 19.01.2012 directed the 2nd respondent to pay a sum of Rs.25,000/- as compensation to the petitioners / workmen, however the petitioners refused and returned the compensation given by the 2nd respondent. He further submitted that though the work performed by the petitioners were similar to the work as done by the permanent workmen, they were only treated as contract labour and even after completion of 480 days of continuous service within a period of 2 calendar years, they were assigned and designated only as Apprentices is wholly unsustainable. Hence, without appreciating the said facts, the Labour



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Court dismissed the claim of the petitioners seeking reinstatement and continuity of service and directed the 2nd respondent to pay a sum of Rs.25,000/- to each petitioners cannot be sustained.

4. The learned counsel appearing for the 2nd respondent submits that the petitioners have admitted that they worked under the 2nd respondent management as casual workers and they have not filed a single document to show that they have worked continuously for more than 240 days in the calendar year during the period they were engaged as casual employees. Moreover, it is the contention of the management that the overall performance of the petitioners were unsatisfactory to the management and even in the evaluation conducted by the 2nd respondent, the petitioners did not qualify themselves to become permanent workmen was proved and the termination orders passed by the management without holding domestic enquiry, is not in violation of the Act, which was rightly appreciated by the Labour Court and awarded compensation in lieu of reinstatement cannot be interfered with.



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5. Heard learned counsel appearing on either side and perused the materials placed on record.

6. Admittedly, the petitioners in respective writ petitions were terminated from service during the year 2005 to 2006. However, it appears that the petitioners raised industrial disputes during the year 2008. More so, though the Award was passed in the year 2012, however, the present writ petition has been filed only in the year 2016, which cannot be sustained. Considering the service rendered by the petitioners and the quantum of compensation arrived by the Labour court to the tune of Rs.25,000/- each to the petitioners at a relevant point of time, awarding the very same compensation at this point of time would not be just and reasonable. Hence, this Court is inclined to modify the Award amount fixed by the Additional Labour Court, Vellore in I.D.Nos.78, 79, 80, 81 and 82 of 2008 dated 19.01.2012 as hereunder:

(i) The 2nd respondent / management is directed to pay a sum of Rs.1,00,000/- to each petitioners to the credit of I.D.Nos. 78, 79, 80, 81 and 82 of 2008 on the file of the



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Additional Labour Court, Vellore within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioners are directed to withdraw the said amount.

7. With the above direction and observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed

20.7.2023

RAP

Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No



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To
The Presiding Officer (Full
Additional Charge),
Additional Labour Court,
Vellore.



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