



W.P.No.20204 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

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The Management of
M/s Nag Leathers (Pvt) Ltd.,
No.48, SIPCOT,
Ranipet, Vellore District ...Petitioner.

Vs.

1.C.Kanniyappan
2.The Presiding Officer
Principal Labour Court,
Vellore District. ...Respondents.

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorari to call for the entire records pursuant to the order dated 21.01.2014 made in computation petition No.48 of 2013 on the file of the 2nd respondent Labour Court.

For Petitioner : Mr.Prabakaran
For Respondents
For R1 : Mr.V.Ajay Khose
For R2 : Court



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ORDER

WEB COPY The workman who is the first respondent in this case, had initiated I.D.No.93 of 2011 before the Principal Labour Court at Vellore. In the award, the management/writ petitioner was directed to reinstate the workman into service.

2. According to the management they issued a paper publication on 07.03.2012 calling upon the 1st respondent/workman for rejoining duty. The workman went over the premises of the writ petitioner/management and sought for work. The workman was not permitted to join. Hence he made a claim of Rs.45,900/- for arrears of salary. The aforesaid facts are not in dispute.

3. The learned counsel for the petitioner/management would vehemently submit that the writ petitioner sent a letter to the workman (Ex.M.5) that he can come and join on any of working days and report for duty. The Labour Court found despite the fact that the workman has reported for duty, he was not been permitted to enter the company. This is a factual finding which I cannot interfere under Article 226 of the Constitution of India. Furthermore, it has to be presumed that a workman who had been successful in the proceedings initiated against his termination would be eager



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for joining duty and would not keep away from work.

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4.The management/petitioner has not let in any evidence to show that the workman deliberately kept away from work. On the contra, the workman had entered the witness box and had deposed that he was ready to join duty. To rebut the same, no contra evidence had been let in by the management. I do not find any irregularity or illegality in the order. This writ petition stands dismissed. No costs.

21.06.2023

nst

Index : Yes/No
Speaking : Yes/No
Neutral Citation Case : Yes/No
To,
The Presiding Officer
Principal Labour Court,
Vellore District.



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V.LAKSHMINARAYANAN,J
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