



WEB COPY



WP.No.16815 of 2018

In the High Court of Judicature at Madras

Dated : 20.7.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.16815 of 2018

- 1.C.Govindan
- 2.E.Raja
- 3.S.Harigovindan
- 4.C.Munusamy
- 5.C.Giri
- 6.M.J.Dillibabu
- 7.S.Venkatesan
- 8.K.Chakravarthy
- 9.S.Vinayagam
- 10.S.Elumalai
- 11.K.Babu
- 12.D.Rajesh Kanna

...Petitioners

Vs

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

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

...Respondents

PETITION under Article 226 of The Constitution of India praying for
the issuance of a Writ of Certiorari to call for the records of the 1st



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respondent in connection with the common award in I.D.Nos. 110/2001, 191/2005, 193/2005, 162/2007, 163/2007, 165/2007, 169/2007, 171/2007, 174/2007, 176/2007, 177/2007 and 230/2010 and pronounced on 01.11.2011 and quash the same.

For Petitioners : Mr.V.Prakash, SC for
Mr.K.Sudalaikannu

For Respondent-2 : Mr.M.Vijayan for
M/s.King & Patridge

ORDER

This is a petition filed by the petitioners seeking to quash the common award dated 01.11.2011 in I.D.Nos.110/2001, 191 & 193/ 2005, 162, 163, 165, 169, 171, 174, 176 & 177/2007 and 230/2010 on the file of the first respondent.

2. Heard the learned Senior Counsel appearing on behalf of the petitioners and the learned counsel appearing on behalf of the second respondent.

3. The facts leading to filing of this case are stated as follows :



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(i) The 2nd respondent manufactures tyres and tubes for trucks, heavy vehicles and auto mobiles. The petitioners joined the services of the 2nd respondent on various dates. They were paid lesser wages than that of the permanent workmen. They were also subjected to heavy workload. However, they were terminated from service.

(ii) Challenging the orders of termination, the petitioners filed individual industrial disputes before the 1st respondent. However, the industrial disputes were dismissed by the impugned common award by directing the 2nd respondent to pay a compensation of Rs.25,000/- to each of the petitioners. Aggrieved by that, the petitioners are before this Court.

4. The learned senior counsel for the petitioners submits that admittedly the Labour Court vide Award dated 01.11.2011 directed the 2nd respondent to pay a sum of Rs.25,000/- as compensation to the petitioners, 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



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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 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 the petitioners cannot be sustained.

5. 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 performances 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



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Labour Court and awarded compensation in lieu of reinstatement cannot be interfered with.

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

7. Admittedly, the petitioners were terminated from service from the year 1992 till 2005. However, it appears that the petitioners raised industrial disputes after a lapse of 3 to 10 years. More so, though the Award was passed in the year 2011, however, the present writ petition has been filed only in the year 2018, 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 Principal Labour Court, Vellore in respect of I.D.Nos.110/2001, 191 & 193/ 2005, 162, 163, 165, 169, 171, 174, 176 & 177/2007 and 230/2010 dated 01.11.2011 as hereunder:



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(i) The 2nd respondent is directed to pay a sum of Rs.1,00,000/- to each petitioners to the credit of I.D.Nos.110/2001, 191 & 193/ 2005, 162, 163, 165, 169, 171, 174, 176 & 177/2007 and 230/2010 on the file of the 1st respondent 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.

8. With the above direction and observations, this writ petition is disposed of. No costs.

20.7.2023

rap

Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No

To

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



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