



W.P.Nos.11606, 15879 & 18110 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.11606, 15879 & 18110 of 2014 and
MP.No.1 of 2015

WP.No.11606 of 2014

S.Ibrahim

... Petitioner

Vs.

- 1.The District Controller of Stores,
General Stores Depot,
Southern Railways,
Ayanavaram,
Chennai 600 023
- 2.Union of India,
Rep. By the General Manager,
Southern Railways,
Chennai 600 003
- 3.Presiding Officer,
Central Government Industrial
Tribunal cum Labour Court,
26, Haddows Road,
Shastri Bhavan, First Floor,
Chennai 600 006

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the third respondent herein pertaining to the common award made in



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ID.Nos.45, 48 and 49 of 2011 dated 16.07.2012 to quash the same and to direct the first respondent to reinstate the petitioner as piece rate tailor and to pay backwages and pension.

For Petitioner : Mr.T.Balamurugan

For Respondents

For R1 & 2 : Mr.P.T.Ramkumar,
Standing Counsel

R3 : Court

WP.No.15879 of 2014

M.Janakiraman

... Petitioner

Vs.

- 1.The District Controller of Stores,
General Stores Depot,
Southern Railways,
Ayanavaram,
Chennai 600 023
- 2.Union of India,
Rep. By the General Manager,
Southern Railways,
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Tribunal cum Labour Court,
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... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records



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of the third respondent herein pertaining to the common award made in ID.Nos.45, 48 and 49 of 2011 dated 16.07.2012 to quash the same and to direct the first respondent to reinstate the petitioner as piece rate tailor and to pay backwages and pension.

For Petitioner : Mr.T.Balamurugan

For Respondents

For R1 & 2 : Mr.P.T.Ramkumar,
Standing Counsel

R3 : Court

WP.No.18110 of 2014

D.Devaraj

... Petitioner

Vs.

- 1.The District Controller of Stores,
General Stores Depot,
Southern Railways,
Ayanavaram,
Chennai 600 023
- 2.Union of India,
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... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India



W.P.Nos.11606, 15879 & 18110 of 2014

praying to issue Writ of Certiorarified Mandamus calling for the records of the third respondent herein pertaining to the common award made in ID.Nos.45, 48 and 49 of 2011 dated 16.07.2012 to quash the same and to direct the first respondent to reinstate the petitioner as piece rate tailor and to pay backwages and pension.

For Petitioner : Mr.T.Balamurugan

For Respondents

For R1 & 2 : Mr.P.T.Ramkumar,
Standing Counsel

R3 : Court

COMMON ORDER

These writ petitions have been filed challenging the common award passed in ID.Nos.45, 48 and 49 of 2011 dated 16.07.2012 by the third respondent thereby dismissed the claim made by the petitioners to reinstate them as Piece Rate Tailor and to pay back wages.

2. Heard, the learned counsel appearing on either side.

3. The petitioners wear engaged as Tailor by the District Controller of Stores based on an arrangement dated 03.01.1979.



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According to the arrangement, the work was for stitching uniforms for Railway staffs. The payments were made every month according to the number of uniforms stitched and other works. The contract was for 1 year and subsequently it was extended thereafter without making a new contract agreement. The wage between Rs.2,500/- and upto Rs.3,500/- was paid to the petitioners. However, they were retrenched on 31.08.1985 without any payment of wage for the particular month. No notice was issued to them. Therefore, they submitted several representations and those representations were not considered. Hence, they raised Industrial Disputes in the year 2011. The Industrial Disputes raised by the petitioners were dismissed by order dated 16.07.2012 on the ground that no documents were produced by the petitioners to prove the employer employee relationship. The petitioners were not employed in any capacity by the Railway. There was no employer-employee relationship *interse*.

4. The petitioners also failed to prove their employment as claimed by them. Under a policy evolved by the Railway Board to supply uniform to the Railway employees under the public image category staff,



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consequent to the public notification calling certain person to stitch uniforms, clearly mentioning that it was not a recruitment of any kind and they so engaged would only be Piece Rate Workers paid on the basis of the quantum of work turned out and on conditions set out. Accordingly, they had entered into independent contracts with each individual. The initial engagement was on contract for 6 months or completion of the work whichever is earlier. In fact, as per the contract, Railway reserved the right to terminate the contract of the Piece Rated Tailors without any reason. Therefore, they were neither casual labour nor daily rated workmen but were only Piece Rated Tailors who agreed to stitch garments on contract. They have no any privileges available to casual labour or daily rated workmen. There was no attendance / daily muster maintained for them by the Railway.

5. That apart, the petitioners had raised Industrial Dispute after 16 years from the date of the alleged retrenchment. Therefore, the Labour Court rightly dismissed the Industrial Disputes and this Court find no perverse on the findings of the Labour Court. Therefore, all the writ



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petitions are devoid of merits and liable to be dismissed.

6. Accordingly, all the writ petitions are dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The District Controller of Stores,
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- 2.General Manager,
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- 3.Presiding Officer,
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- 4.The Government Advocate,
High Court, Madras.

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