



W.P.No.17851 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.Nos.14258, 14259, 14260 & 14262 of 2019

and

W.M.P.Nos.14344, 14345 & 14346 of 2019

P.Arokiyasamy	... Petitioner in W.P.No.14258 of 2019
C.Vijaya	... Petitioner in W.P.No.14259 of 2019
Unnamalai	... Petitioner in W.P.No.14260 of 2019
A.Vasanthi	... Petitioner in W.P.No.14262 of 2019

Vs.

The Management of Aththiur Estate,
Asambur Post,
Yercaud - 636 602.

... Respondents in all W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Award passed by the Labour court, Salme in I.D.Nos.175, 176, 178, 177 of 2007, dated 22.12.2014 published on 16.03.2015 and quash the same and consequently hold that the oral termination of the petitioners dated 24.07.2006, 19.12.2006, 19.12.2006 and 19.12.2006 respectively is illegal and unjustified and direct the 1st respondent to reinstate the petitioners with effect from the date of termination with backwages, continuity of service and other attendant benefits.



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For Petitioners : Ms.C.S.Monica
in all W.Ps.

For Respondent : Mr.R.Jayaprakash
in all W.Ps.

COMMON ORDER

All the Writ Petitioners were casual labourers in the respondent / Management and they have raised Industrial Disputes in I.D.Nos.175, 176, 178, 177 of 2007 under Section 2A(2) of the Industrial Disputes Act before the Labour Court, Salem stating they have been illegally terminated from service by the respondent Management. The Labour Court, Salem vide its orders dated 22.12.2014 dismissed the claim made by the present Writ Petitioners on the ground that they are only casual labourers and they have not shown any documentary evidence to show that they were working continuously for 240 days in 12 calendar months.

2. Ms.C.S.Monica, learned counsel for the Writ Petitioners contended that the Management had not maintained the Salary Register and Muster Roll and the petitioners were working continuously 240 days in 12 calendar months and that this aspect has not been taken into



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account by the Labour Court, Salem. She, therefore prayed for allowing the Writ Petition.

3. Per contra, Mr.R.Jayaprakash, learned counsel appearing for the respondent / Management contended that the Labour Court, Salem after analysing the oral and documentary evidence adduced on both sides had come to the definite conclusion that the petitioners have not proved that they had worked continuously for 240 days in 12 months. Hence, he prayed for dismissal of the Writ petition.

4. In the Salary Register and Muster Roll for the period from 01.01.2003 to 31.03.2003 which were marked as Ex.M1 to Ex.M8 before the Labour Court, Salem, it is seen that the petitioners names were not included. In this regard, the contention of the learned counsel for the Writ petitioners is that these Registers were not maintained properly by the respondent / Management. However, the Writ petitioners did not raise any objection with regard to the same at the time of marking these documents and there is nothing on record to show that Ex.M1 to Ex.M8



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are not properly maintained by the respondent / Management. In fact, the Registers were duly signed by the Inspector of Plantation. Merely based on the *ipse-dixit* of the petitioners, it cannot be concluded that they had worked continuously for 240 days in 12 months.

5. In the circumstances, I do not see any reason to interfere with the Orders passed by the Labour Court, Salem. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking/Non-Speaking order
vum



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To
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The Labour Court,
Salem.



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R. HEMALATHA, J.

vum

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