



W.A.(MD)No.1216 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.07.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.1216 of 2015

S.Ponnusamy

...Appellant

-Vs.-

1.The Presiding Officer,
Labour Court, Trichirapalli.

2.The Managing Director/Factory Manager,
C.A.V. Cotton Mill Limited,
Vadamadurai, Dindigul District. ...Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent Act, to
set aside the order dated 14.07.2008 made in W.P.No.9656 of 1999 on the
file of this Court.

For Appellant	: Mr.S.V.Muthusamundeeswaran for Mr.S.Muthukrishnan
For R2	: Mr.T.Ravichandran



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JUDGMENT

(Judgment of the Court was delivered by **R.VIJAYAKUMAR, J.**)

The Writ Petitioner is the appellant. The petitioner had challenged the order of dismissal of the Writ Petition, wherein, the award of the Labour Court, Trichirapalli in I.D.No.17 of 1997 dated 14.10.1998 was confirmed.

2.The Writ Petitioner was a workman in the respondent Mill and according to him, he was threatened to write a resignation letter on 23.07.1996 and the management had used the said letter to terminate him from services on 31.08.1996. Hence, he had raised an industrial dispute in I.D.No.17 of 1997 for reinstatement with back wages and for other attendant benefits. The management has contended that the workman had voluntarily executed a resignation letter on 23.07.1996 and thereafter, he had not attended duty.

3.The Labour Court, after considering the documents filed on either side and the oral evidence let in on the side of both parties, had arrived at a finding that the letter of resignation was not executed under



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any coercion or threat, but had been executed voluntarily by the workman on 23.07.1996 and he had also received the terminal benefits on the same day and dismissed the said petition.

4.Challenging the same, the workman had filed W.P.No.9656 of 1999 contending that his resignation was obtained under threat and coercion. The Writ Court has categorically held that the name of the workman is not found beyond 23.07.1996 and he had addressed a letter to the management only on 02.09.1996 nearly after a period of 1½ months from the date of his resignation letter and has arrived at a finding that such letter has been given voluntarily by the workman and dismissed the said Writ Petition. Challenging the said order, the present appeal has been filed by the Writ Petitioner/workman.

5.The learned Counsel for the appellant/Writ Petitioner contended that the Writ Petitioner's signature was obtained by coercion and threat on white papers in which revenue stamp was affixed and his resignation was falsely prepared and therefore, he had not voluntarily submitted the resignation letter at any point of time. The Labour Court as well as the Writ Court have wrongly placed the burden of proof on the



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workman to prove the case that the letter of resignation was not given voluntarily.

6.Per contra, the learned Counsel for the management had contended that the contention of the Writ Petitioner has been falsified by the production of the attendance register and disbursement of the terminal benefits on the date of submission of the resignation letter.

7.Having perused the records, we find that the alleged resignation letter is dated 23.07.1996 and on the same day, under Ex-M3, the workman had received all his terminal benefits. Ex-M4 will clearly indicate that the name of the workman was not found in the attendance register for the month of July 1996. Therefore, it is clear that the contention of the workman that he was called for duty on 28.07.1996 and later, he was terminated on 31.08.1996 is not factually correct. Therefore, we are of the opinion that the resignation letter, dated 23.07.1996 has been given voluntarily. Further, the workman has questioned the resignation letter only after 1½ months by submitting a letter on 02.09.1996, which marked as Ex-W4. Therefore, it is clear that the attempt of the workman is to withdraw his voluntary resignation



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letter is only an after thought. We are not inclined to interfere with the order passed by the Writ Court.

8.In view of the aforesaid deliberations, the Writ Appeal stands dismissed. No costs.

[A.S.M.J.] & [R.V.J.]
20.07.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes

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To

The Presiding Officer,
Labour Court, Trichirapalli.



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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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