



WEB COPY



W.P.No.20956 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.20956 of 2012
and M.P.No.1 of 2012

1. V.Krishnan
2. K.Veerassamy
3. M.S.Prabhakaran
4. S.Ramadoss
5. S.Nagalingam
6. K.Thirumalai
7. V.Jagannathan
8. A.Nagarajan
9. K.Ramesh
10. C.Soloman Rajan
11. T.Kalyanakumar
12. T.Sridhar
13. M.K.Kulandaivelu
14. N.Balachander
15. N.S.Sarguna Rajan
16. R.Gajendiran
17. N.K.Murugesan
18. K.Palanai
19. R.Nagarajan
20. R.Ragukumar
21. Sathiyaseelan

...

Petitioners

/Vs./



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1. The Presiding Officer,
The Central Government Industrial
Tribunal – cum – Labour Court,
Office at Shasthri Bhavan,
Nungambakkam,
Chennai – 600 034.

2. The Management,
National Aviation Company of India Ltd.,
Airlines House, Meenambakkam,
Chennai – 600 027.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the impugned order dated 27.08.2009 passed in I.D.No.69/2003 by the first respondent herein and quash the same as null and void and against the principle of natural justice and consequently direct the second respondent herein to regularize the service of the petitioners herein so as to enable the petitioners herein to continue their service with all service and monetary benefits.

For Petitioners	...	Mr.G.Thangavel
For R2	...	Mr.V.Stalin
R1	...	Labour Court



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ORDER

WEB COPY This writ petition has been filed challenging the impugned order dated 27.08.2009 passed in I.D.No.69/2003 by the first respondent and to direct the second respondent to regularize the service of the petitioners herein so as to enable them to continue their service with all service and monetary benefits.

2. The petitioners have raised Industrial Dispute in the year 2003 by claiming regularization through Labour Union and the Labour Court has passed an award on 27.08.2009 by dismissing the same. Even though the Union has not chosen to challenge the award, the individual workmen have challenged the award by stating that they are very much the direct employees of the second respondent Management and the contract between the Contractor and the Management is a sham and nominal. The Labour Court has appreciated the evidence on record and stated that the petitioner's services have been engaged by the Contractor with whom the Management has got the contract.



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WEB COPY 3. In the absence of any evidence to show that the petitioners are direct workers under the second respondent Management and that the Contract is sham and nominal, the Labour Court has proceeded to hold that the petitioners are very much engaged by the Contractors and no employer-employee relationship existed between the petitioner and the second respondent management. In such case, the petitioner cannot have any better case for claiming regularization in the second respondent Management. Probably, only because of these reasons, the Labour Union which has espoused the cause of the petitioners has not chosen to challenge the award of the Labour Court. Under such circumstances, I find no reason to reverse the award of the Labour court.

4. In view of the above stated reasons, this Writ Petition is dismissed.

No costs. Connected miscellaneous petition is closed.

14.10.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:

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1. The Presiding Officer,
The Central Government Industrial
Tribunal – cum – Labour Court,
Office at Shasthri Bhavan,
Nungambakkam,
Chennai – 600 034.



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R.N.MANJULA ,J.

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