



W.P.No.25832 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25832 of 2012

1. C.Illangiyam
W/o.Chinnathambi

2. C.Vasumathi
D/o.Chinnathambi

... Petitioners

Vs.

1. Thiru B.E.Anbalagan,
Proprietor : The Sri Balaji Tanning Co.,
No.1208/8, Katcheri Road,
Vaniyambadi, Vellore District.

2. The Presiding Officer,
Principal Labour Court,
Vellore,
Vellore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of award dated 28.06.2011 made in I.D.Nos.3 and 4 of 2011 on the file of the Principal Labour Court, Vellore District, Vellore and quash the same and direct the first respondent to reinstate the petitioners with continuity of service, backwages and attendant benefits from 25.02.2005.



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For Petitioners : Mrs.S.Thamizharasi
for M/s.Thamizharasi Associates

For Respondents : Ms.U.Bhuvaneswari
for Mr.C.P.Sivamohan for R1
R2 - Labour Court

ORDER

This writ petition has arisen out of a common award passed by the Principal Labour Court, Vellore in I.D.Nos.3 and 4 of 2011 dated 28.06.2011.

2. The case of the petitioners, who were the petitioners before the Labour Court also, who raised the I.Ds that, they were working in the first respondent's Company as Helper with effect from 20.02.2000 and suddenly, they had been terminated illegally on 24.02.2005. Their daily wages as they claimed was Rs.40/- per day. After having approached the Conciliation Officer, where the conciliation failed and a report to that effect has been filed and hence, these workers have raised the I.Ds respectively and both the I.Ds were tried together and disposed of by the common award which is impugned herein.



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3. Heard Mrs.S.Thamizharasi, learned counsel appearing for the petitioners and Ms.U.Bhuvaneswari, learned counsel appearing for the respondent Management.

4. It is the categorical case of the respondent Management that, these petitioners are the strangers to the Company and they have never been engaged or worked in the Company, whereas it is the case of the petitioners that, they have been engaged as daily rated basis and their salary was Rs.40/- per day and they had been working so between 20.02.2000 and 24.02.2005, the day on which they claimed to have been terminated.

5. Before the Labour Court, no evidence had been filed on behalf of the employees to substantiate their contention that they are the employees of the respondent Management.



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6. When the respondent Management has taken a specific stand that they are strangers and they had never been worked in the Company, the burden lies on the shoulders of the employees to prove their case that they have been the employees of the respondent Management. If this Court look at the documents or exhibits that has been filed before the Labour Court i.e., 2A petition, counter filed by both the petitioners and the respondent before the Labour Officer and the failure report. Except these, no other documents has been filed by the petitioners to substantiate their contentions that they had been working as the employees i.e., Helper between 2000 and 2005.

7. Even though Mrs.S.Thamizharasi, learned counsel appearing for the petitioners submitted that, every month these employees were receiving salary by calculating the daily wage at Rs.40/- by way of pay slip, not even a single pay slip had been filed before the Labour Court, this failure had been admitted by the petitioners. When that being so, this Court cannot find fault with the reasoning given and the conclusion arrived at by the Labour Court in rejecting the plea raised by the petitioners before the



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Labour Court under the Industrial Disputes Act, 1947 and accordingly, the conclusion reached by the Labour Court to dismiss the said I.Ds through the impugned order can very well be justified.

8. Therefore, I do not find any reason to interfere with the award passed by the Labour Court, hence, this writ petition fails, accordingly, it is dismissed. However, there shall be no order as to costs.

23.01.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

The Presiding Officer,
Principal Labour Court,
Vellore,
Vellore District.



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R.SURESH KUMAR, J.

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