



WEB COPY



W.P.No.25551 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.25551 of 2015

S.Shankar

...

Petitioner

/vs/

1. The Presiding Officer,
Labour Court,
Salem District.

2. Management,
Saketh India Limited,
Sipcot Phase – I,
Hosur – 635 109.
Krishnagiri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified to call for the records on the file of the first respondent made in I.D.No.97 of 2009 dated 07.10.2013, quash the same.

For Petitioner	...	Mr.K.Thiruvalluvan
For R2	...	No appearance
R1	...	Court



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ORDER

This writ petition has been filed challenging the order of the Labour Court, Salem, dated 07.10.2013 made in I.D.No.97/2009 on the ground that the Labour Court has not properly appreciated the materials on record.

2. Mr.K.Thiruvalluvan, the learned counsel for the petitioner, submitted that the petitioner has been illegally terminated from service without any show cause notice and without being subjected to any domestic enquiry. It is further submitted that the second respondent company did not pay the salary regularly to the petitioner. But the Labour Court has omitted to take note of these points before dismissing the dispute. Hence, the award of the Labour Court has to be quashed.

3. On a perusal of the award of the Labour Court, it is seen that the Labour Court has appreciated the materials produced before the domestic enquiry especially the show cause notice sent to the petitioner for not reporting to duty. The petitioner had received the notice but did not choose to come for duty. The materials on record substantiate with the fact that the



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petitioner had chosen to shift to some other job after having obtained permanency in the second respondent company. When the petitioner on his own volition had not chosen to report to duty by preferring to join in some other job in some other company or institution, the second respondent has no other go except to terminate his services by giving him a show cause. The show cause notice sent to the petitioner has also been received by him and he did not turn up either to report duty or offer any explanation.

4. Despite the petitioner's services have been terminated in the year 2004, the petitioner had chosen to raise an Industrial Dispute only in the year 2006. The Labour Court has made a categorical finding that the records have substantiated the fact that the petitioner had abandoned his services with the second respondent on his own and the allegation that the second respondent company did not pay salary to the petitioner is also false. The Labour Court has scrutinized the materials available on record and rendered a finding that the petitioner had just tried his chance without any intention of retaining his job with the second respondent.



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6. Since a well reasoned order has been passed by the Labour Court on the basis of the well reasoned appreciation by way of appreciating evidence, I find no reason for interference.

7. In the result, this Writ Petition is dismissed. No costs.

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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,
Labour Court,
Salem District.



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R.N.MANJULA ,J.

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