



W.P.No.343 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.343 of 2015

and

M.P.No.1 of 2015

A.S.Pakkiri

... Petitioner

Vs.

1. The Management of
M/s. Bombay Okara Cargo Carriers
32, Lingi Chetty Street, Chennai – 1.
2. The Management of
M/s. Bombay Okara Cargo Pvt. Ltd.,
32, Lingi Chetty Street, Chennai – 1.
(Since Defunct)
Address for service:
The Management of
M/s. Bombay Okara Carriers
No.A/12, Aman Park, Cordinal Gracious Road,
Chakala, Andheri (East), Mumbai – 400 099.
3. The I Additional Labour Court
Chennai.
4. K.Nilavu
5. V.Ramesh
6. C.Mani
7. M.Mahesh

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for records of the third respondent in C.P.795/99 dated 07.08.2014 and quash the same and consequently direct the respondents 1 & 2 to pay the petitioners their claim in C.P.795/99.

For Petitioner	:	Mr.I.Kowser Nissar & R.Ravitha
For R1 & R2	:	Vacated
For R3	:	Given up

ORDER

This writ petition has been filed calling for records of the third respondent in C.P.795/99 dated 07.08.2014 and quash the same and consequently direct the respondents 1 & 2 to pay the petitioners their claim in C.P.795/99.

2. The facts in brief as per the affidavit enclosed in the writ petition are as follows:

2.1. The petitioner worked under the first and second respondents. The petitioner joined the services in the year 1981 and fourth, fifth, sixth and seventh respondents have joined the first and second respondents at



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different places. The first and second respondents have closed their establishment at Chennai and shifted their materials over night without settling the accounts to the petitioner and other unofficial respondents.

2.2. The petitioner who was retrenched by the first and second respondent have to receive the retrenchment compensation which is equivalent to 15 days salary per year of service and one month's salary as notice pay and bonus.

2.3. The petitioner filed a C.P.No.795 of 1999 along with respondents 4 to 7. The respondents 1 and 2 failed to appear and an award was passed on 24.01.2002 in C.P.No.795 of 1999. The petitioner filed a writ petition in_W.P.No.30675 of 2005 for directing initiation of proceedings under Section 33-C (1) of the I.D.Act and this Court by order dated 29.08.2007 directed the second respondent to deposit the entire award amount and on such deposit the Labour Court shall pass orders on merits. The Labour Court has passed order holding that the petitioner has not proved his right to get benefits and that the petitioner has not filed documents to show that he was a worker under the first and second



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respondent and accordingly, C.P.No.795 of 1999 was dismissed by an order dated 07.08.2014. Aggrieved by the same, the present writ petition is filed.

3. Counter affidavit has not been filed by the respondents.

4. Heard both sides and perused the materials available on record.

5. After going through the impugned award passed by the Labour Court carefully, the Labour Court after examining the issues has framed two grounds for consideration: as to whether the labour Court has jurisdiction to adjudicate and entertain the entitlement of the amount payable to the petitioner under Section 33-C(1) of the I.D.Act and whether the petitioner is entitled for the relief of compensation benefit?

In respect of the first issue, the Labour Court has given findings that there was no material filed by the petitioners therein, to show that they have worked with the first and second respondents and hence petitions



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under Section 33-C(1) was dismissed. It was also held that the petitioners therein have not filed any documents before the Labour Court and ultimately the case was dismissed.

6. On going through the entire award, this Court is of the opinion that there is no infirmity in the orders passed by the Labour Court. The scope of the writ petition under 226 in reviewing the award is very limited. This Court cannot sit like an appellate Court to re-appropriate the evidences placed before the Labour Court. unless the award of the Court is patently perverse, this Court cannot intervene to revise the order of the Labour Court. The award of the Labour Court passed after considering the entire materials on record and also the evidences.

7. Considering all the above, this Court is of the view that there are no grounds to intervene in this writ petition and the writ petitioner

DR.N.NAGARJUN.J.,

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failed to convince this Court as to why the order of the Labour Court has to



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be set aside. Accordingly, this writ petition is liable to be dismissed.

Connected M.P. is closed. No costs.

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Index : Yes/No
Internet : Yes/No
Citation : Yes/No

To:
The I Additional Labour Court
Chennai.

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