



W.P.No.501 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM :

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

W.P.No.501 of 2015
and
M.P.Nos.1 and 2 of 2015

The Secretary
Axles India Workers Union,
3,Kambar Street, Gandhi Nagar,
Sriperumbudur - 602 105.

... Petitioner

Vs.

1. The Management of Axles India Ltd.,
Singaperuman Koil Street,
Sriperumbudur - 602 105.

2. The Presiding Officer,
I Additional Labour Court,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, thereby calling for the entire records in I.D.No.162 of 2011 dated 05.08.2014 on the file of the I Additional Labour Court, Chennai and set aside the same and consequently direct the first respondent to grant salary for month of March and April 2009 and subsequent periods.

For petitioner	:	Mr.K.Mohanamurali
For R1	:	Ms.S.B.Keerthana
		for Mr.G.Anandakrishnan



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For R2

: Labour Court

ORDER

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This writ petition has been filed seeking for a certiorarified mandamus, to quash the proceedings in I.D.No.162 of 2011 dated 05.08.2014 on the file of the I Additional Labour Court, Chennai and to direct the first respondent to grant salary for the month of March and April 2009 and subsequent periods.

2. This writ petition is filed by the Secretary, Axles India Workers Union, on behalf of 15 employees who were appointed in the first respondent company which was started in the year 1982. Petitioner's Union was formed in the year 1989 under the provisions of Indian Trades Unions Act, 1926 which was recognized by the first respondent management in year 1989. In the year 2006 the recognition was canceled by the first respondent and aggrieved by the same I.D.No.17 of 2009 was filed.

2.1. The first respondent has announced voluntary retirement scheme in the year 1999. A hostile atmosphere was developed between the members



of the petitioner's Union and the first respondent management. Accordingly, the management transferred some of the members of the petitioner's Union including the General Secretary and Assistant Secretary from Sriperumbudur to Gummudipoondhi factory. Out of 160 employees of the petitioner's Union except 15 members, who have filed this writ petition, the rest of them have left the employer one after the other. The 15 employees who are working at Gummudipoondhi factory, were originally appointed at Sriperumbudur factory. The management has directed the 15 employees to do cementry and other works in which they were not having experience and pay was also not paid from March 2009.

2.2. The petitioner's Union raised a dispute in the month of May 2009 before the Deputy Commissioner Labour 2 and conciliation proceedings were conducted for more than an year and ultimately, the final report was sent under Section 12(4) of the I.D.Act, 1947. The first respondent has applied unfair Labour practices on the emphasis as defined in I.D.Act, 1947. Accordingly, the said dispute was referred to the second respondent, Labour Court in I.D.No.162 of 2011 and after the enquiry the



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Labour Court has dismissed the same by an order dated 05.08.2014.

Aggrieved by the same, this writ petition is filed.

3. It is submitted by the learned counsel for the petitioner that the second respondent, Labour Court, without going into the materials on record has summarily dismissed the petition, and that the Labour Court had failed to consider the fact that the first respondent has deliberately transferred 15 employees from Sriperumbudur to Gummudipoondhi and entrusted a work in which they did not have experience and ultimately, were not given any work. It is also submitted that the second respondent Labour Court has failed to consider the unfair Labour Practices applied by the first respondent.

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

5. The scope of this writ petition filed by the petitioner's Union is very limited. This Court is not an appellate Court to re appreciate the entire evidences of the Labour Court. Unless the award of the Labour Court is patently perverse and shocks the conscience of this Court, this Court is not



expected to intervene in the order passed by the Labour Court. Further, when two views are possible by the Labour Court and if the Labour Court has accepted one view it cannot be interfered by this Court on the ground that the Labour Court could have taken the other view.

6. I have gone through the award passed by the Labour Court meticulously, the second respondent, Labour Court has framed the issues as to whether the claim of the Petitioner's Union to issue a direction to the respondents to give salary for the months of March and April is justifiable and to what extent? The Labour Court has examined as many as two witnesses for the respondent, whereas one witness was examined on behalf of the petitioner's Union. On behalf of the petitioner's Union some documents were marked whereas for the respondent management 65 documents were marked. The labour court has given a finding that 15 members of the petitioner's union did not work for the month of March and April 2009. The Labour Court has considered all the aspects raised by the petitioner's Union and ultimately, after extensive discussion found that the 15 employees of the petitioner's Union have refused to work as instructed by the respondents and hence, based on the policy of 'no work and no pay' the petitioner's Union



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members were not entitled for salary for the month of March and April 2009.

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7. On going through the entire order meticulously, it is clear that the petitioners have failed to file any record to hold that they worked for the months of March and April 2009. Once the petitioners have not worked from the month of March and April 2009, the second respondent, the Labour court has rightly held that they are not entitled for any salary for those two months. The Labour Court has concluded that inspite of providing work and asking them to work after giving training to them, the 15 members of the petitioner's Union refused to work.

8. Therefore, there is no infirmity in the conclusion of the second respondent, the Labour Court in giving the findings, that the petitioners are not entitled for the salary for the month of March to April 2009. Hence this writ petition is dismissed. Connected M.Ps are closed. No costs.



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vca

Index: Yes/No

Citation: Yes/No

Internet: Yes/No

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