



W.A.No.2684 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 2684 of 2024

M/s.NVH India Auto Parts Private Limited,
Plot No.B-67 & 68, SIPCOT Industrial Park,
Irungattukotai,
Sriperumbudur - 602 117,
Kancheepuram District,
Represented by its Manager - HR
Mr.K.Manikandan

...Appellant

Vs.

G.Purushothaman

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the
order dated 05.04.2024 made in W.P.No. 17083 of 2023.

For Appellant : Mr.D.Prabhu Mukunth Arunkumar
For Respondent : Mr.V.Prakash, Senior Counsel for
Mr.K.Sudalaikannu



J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The management is on appeal, aggrieved by the order of the learned single Judge, confirming the award of the Labour Court which directed reinstatement of the workman with backwages.

2. The management terminated the workman without conducting any enquiry on 28.02.2014. The contention of the management is that the respondent is not a workman but, he is working in a Supervisory capacity. The said contention of the management was rejected by the Labour Court, upon consideration of the evidence available on record. The evidence placed by the management in the form of three out passes which were signed by the workman as a Supervisor was rejected as insufficient. The Labour Court, upon analysis of the evidence which was placed before it, had come to the conclusion that the respondent is a workman and he is entitled to invoke the jurisdiction of the Labour Court under the Industrial Disputes Act.

3. The Writ Court also concurred with the findings of the Labour Court after assessing the credibility of the evidence that has been placed

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before the Labour Court. The Writ Court has also concluded that in the light of the findings of the Labour Court, which are based on evidence that have been placed before it, cannot be construed as perverse and there is no ground to interfere with the award of the Labour Court.

4. We have heard Mr.Mr.Prabhu Mukunth Arunkumar ,learned counsel for the appellant and Mr.V.Prakash, learned Senior Counsel for the respondent.

5. The learned counsel for the appellant apart from reiterating the submissions that have been made before the Writ Court would contend that the Labour Court and the Writ Court erred in rejecting that the documents that were filed by the management as insufficient. This argument of the learned counsel for the appellant invites us to reassess the evidence that has been placed before the Labour Court and come to a different conclusion. We are afraid that we cannot do that, unless we come to a conclusion that the finding of the Labour Court is perverse. The jurisdiction of this Court under 226 is well defined by the Hon'ble Supreme Court wherein, it has been clearly held that unless the evidence of the Labour Court is termed as



perverse or based on no evidence, the Writ Court cannot interfere under Article 226.

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6. Despite his best efforts, the learned counsel for the appellant is unable to make out that the award of the Labour Court is either perverse or it is based on no evidence. We cannot re-appreciate the evidence and come to a different conclusion, even if such conclusion is possible. Once the Writ Court finds that the conclusion of the Labour Court is plausible on the evidence that is available before it, interference with the award is not permitted. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs.

(R.S.M., J.) (C.K., J.)
13.11.2024

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Internet: Yes

Index: No

Speaking

Neutral Citation : No



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and
C.KUMARAPPAN, J.

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