



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM:

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

W.A.No. 3436 of 2024

K.N.Dasarathan

...Appellant

Vs.

1.The Managing Director,
The K.C.P.Ltd.,
Ramakrishna Buildings,
No.2, Dr.P.V.Cherien Crescent,
Egmore, Chennai – 600 008.

2.The Presiding Officer,
1st Additional Labour Court,
Chennai.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 06.08.2021 passed in W.P.No.8016 of 2015.

For Appellant : Mr.B.Arvind Srevatsa

For 1st Respondent : Mr.Sanjay Mohan

for M/s.S.Ramasubramaniam and Associates



J U D G M E N T

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

The appeal is against the order of the writ Court made in W.P.No.8016 of 2015, wherein, the award of the labour Court directing reinstatement was in question.

2. The writ Court has found that the appellant who was working as a Senior Engineer with a monthly salary of Rs.10,225/- is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act. The conclusion of the labour Court that the appellant is a workman was reversed by the writ Court on the ground that the labour Court has mis-understood the definition of workman under Section 2(s) of the Industrial Disputes Act and gone by the cheque signing powers.

3. It is admitted that the appellant was appointed as a Supervisor and on the date of termination he was working as a Senior Engineer drawing a salary of Rs.10,225/-, even in the year 2003. The definition of workman does not include a person who works in a supervisory capacity and draws more than Rs.1,600/- per month. It was subsequently amended to



WEB COPY

Rs.10,000/- per month. Even if the amended criteria is applied, the petitioner will not be a workman, since he is engaged in a Supervisory capacity as a Senior Engineer.

4. We are therefore unable to fault the writ Court for having concluded that the appellant is not a workman. Apart from that, the writ Court also found that the appellant has not come to the Court with clean hands. He has suppressed his employment in various places, including outside India during the period of termination.

5. Hence, we do not see any merit in the Writ Appeal. The Writ Appeal therefore, fails and it is accordingly **dismissed**. No costs.

(R.S.M., J.) (C.K., J.)
21.11.2024

dsa

Index : No
Internet : Yes
Neutral Citation : No
Speaking order



WEB COPY

W.A.No.3436 of 2



To

- 1.The Managing Director,
The K.C.P.Ltd.,
Ramakrishna Buildings,
No.2, Dr.P.V.Cherian Crescent,
Egmore, Chennai – 600 008.
- 2.The Presiding Officer,
1st Additional Labour Court,
Chennai.



WEB COPY



W.A.No.3436 of 2

R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

dsa

W.A.No. 3436 of 2024

21.11.2024