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W.P.No.30326 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.30326 of 2018

and

WMP.Ns.35386 of 2018 & 4514 of 2019

The Management of
Fairglens Estate & Gem Estate,
Kadukkamaram,
Pattipadi Post,
Yercaud – 636 601.

... Petitioner

Vs.

K.Ramaswamy

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records connected with C.P.No.6 of 2017 on the file of the Labour Court, Salem and to quash the order dated 18.09.2018.

For Petitioner : Mr.M.R.Dharani Chander

For Respondent : Mr.K.M.Ramesh, Senior Counsel for
Mr.S.Apunu

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W.P.No.30326 of 2018

WEB COPY

ORDER

This Writ Petition is filed to call for the records connected with C.P.No.6 of 2017 on the file of the Labour Court, Salem and to quash the order dated 18.09.2018.

2.The petitioner is a 100% export company primarily doing granite business. The petitioner is owning two coffee estates in Salem and Yercaud in the name and style of Gem Estate at Killiyur and Fair Glen Estate at Kadukkamaram Village. The coffee estates of the petitioner are covered by the Plantation Act, 1956. On 17.02.1999, the respondent was appointed as a Supervisor in the Coffee Estate at Yercaud and his last drawn salary was Rs.12,500/- per month. On 04.06.2016, a Transfer order was issued to the respondent due to the exigencies of work. As the respondent was not interested in going on transfer, he resigned his job on 15.06.2016 and requested to settle his legal dues. The petitioner accepted the resignation of the respondent on 27.09.2016 and on the same day the respondent was relieved from service. On 17.12.2016 the respondent claimed Rs.2,98,642/- towards 18 years EL wages and 18 years National and Festival Holiday



W.P.No.30326 of 2018

Wages and bonus for 2016 (6 months). The respondent thereafter filed C.P.No.6 of 2017 before the Labour Court, Salem claiming the said amount.

3.The petitioner filed a counter affidavit to the claim petition stating that the respondent availed the leave with wages, that all the staff category employees had to enjoy their earned leave in the same year and they could not accumulate the same to the next year, and that as per the Act once in every two years, earned leave would lapse. As far as the National and Festival Holidays were concerned, the petitioner contended that as the respondent had enjoyed the said holidays he could not claim wages for the same. As regard Bonus, it was stated that the respondent worked only for six months and so the petitioner was willing to pay Rs.3,000/-. The petitioner disputed the entitlement of the respondent to the claim Amount of Rs.2,98,642/- on the aforesaid pleadings.

4.Before the labour Court, both the parties let in both oral and documentary evidence. The Labour Court allowed the claim petition on 18.09.2018 by directing the petitioner to pay Rs.2,11,248/- along with interest. Aggrieved by the award passed by the Labour Court, the petitioner has filed the above writ petition.



W.P.No.30326 of 2018

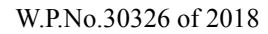
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5.The learned counsel for the petitioner raised three main issues relating to delay and laches in filing the claim petition, the jurisdiction of the Labour Court to entertain the claim petition under Section 33(c) (2) and the appreciation of evidence by the Labour Court.

6.The learned counsel for the respondent supported the Award and submitted that it called for no interference.

7.I have heard both the learned counsels and I have perused the materials placed on record.

8.The Labour Court in paragraph No.20 of the Judgment observed that the petitioner had not filed any documents in support of its submission. As rightly contended by the learned counsel for the petitioner the said observation of the Labour Court is unsustainable as it is seen that the petitioner filed 36 documents in support of its case. The Labour Court without referring to any of the petitioner's documents by merely relying on the oral evidence rejected the petitioner's submissions. In my considered



9. Accordingly, the writ petition is allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions stand closed.

02.02.2024



W.P.No.30326 of 2018

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order
ah

To

The Labour Court,
Salem.

N.MALA, J.

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W.P.No.30326 of 2018



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