



WEB COPY



W.A(MD)No.523

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESHKUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.A(MD)No.523 of 2024

K.Manikandan

... Appellant

vs.

1. M/s. Subburaj Spinning Mills Pvt. Ltd.,
Represented by its Managing Director,
Mr.V.Subburaj,
Madurai Road, Sankar Nagar,
Tirunelveli District.

2. The Presiding Officer,
Labour Court,
Tirunelveli.
(As normal party, given up)

3. T.N.Sundararajan

4. P.S.Murugan

5. L.Rathinakumar

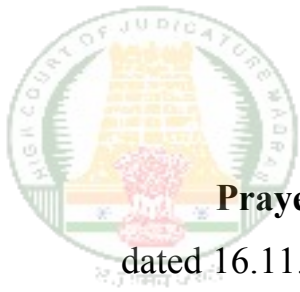
6. M.Shankar

7. M.Isakki

8. M/s.Subburaj Spinning Mills Pvt. Ltd,
Represented by its General Manager,
S.Ganesan,
S/o. Swaminathan,
Madurai Road, Sankar Nagar,
Tirunelveli District.

... Respondents

(8th Respondent is impleaded vide court order dated 20.07.2024 made in
CMP(MD)No.5680 of 2021 in W.A(MD)SR.No.75341 of 2019)



W.A(MD)No.523

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 16.11.2018 made in W.P(MD)No.5671 of 2009.

WEB COPY

For Appellant	: Mr.D.Saravanan
For R1	: Mr.M.N.Ramkumar
For R8	: Mr.H.Arumugam

JUDGMENT

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

This appeal has been directed against the order passed by the Writ Court dated 16.11.2018 made in W.P(MD)No.5671 of 2009.

2. The writ appellant claimed to have been the employee of the respondent company along with others where they claimed that their services suddenly dispensed with. Therefore, in order to seek for reinstatement, they approached the Labour Court by raising the industrial dispute. Therefore, separate IDs had been filed. The present appellant filed I.D.No.3 of 1999, which was decided along with other IDs by the Labour Court, Tirunelveli, by order dated 30.04.2008, where the Labour Court found that within one year period, the employees had not completed 240 days of work continuously in a year. Therefore, on that ground, though it was found against the workers, ultimately, the Labour Court had come to a conclusion that a compensation of Rs.25,000/- to each of the employee/labour should be paid by the Management.



3. The said judgment of the Labour Court has not been questioned by the workers, but the Management had questioned the same and filed a writ petition in W.P(MD)No.5671 of 2009, where the Writ Court, by order dated 16.11.2018, has accepted the plea of the Management and allowed the said writ petition, against which, the present appeal has been directed.

4. Heard Mr.D.Saravanan, learned counsel for the appellant and Mr.M.N.Ramkumar, learned counsel for the 1st respondent and Mr.H.Arumugam, learned counsel for the 8th respondent.

5. Learned counsel for the appellant, though has invited our attention to paragraph 34 of the judgment of the Labour Court and made submissions stating that these workers, including the appellant, since had been working for more than 240 days in one year, such a finding given by the Labour Court should not be misconstrued as if that, such finding was given only to deny the benefit sought for by the workers. Therefore, on that ground, the minimum benefit of paying compensation of Rs.25,000/- to each of the employee as directed by the Labour Court, ought not to have been interfered with by the learned Judge. Therefore, to that extent, the judgment which is impugned herein, is erroneous, he contended.



WEB COPY

6. Learned counsel for the respondent Management would submit that whatever be the findings given by the Labour Court, that have not been questioned by the workers including the appellant. Therefore, based on the findings only, the learned Judge, who heard the writ petition, has allowed the same. Hence, it does not warrant any interference.

7. We have considered the rival submissions made by both sides and perused the materials placed before this Court.

8. As has been rightly pointed out by the learned counsel appearing for the respondent Management, the Labour Court has made a categorical finding that there has been no evidence to come to a safe conclusion that, the workers have completed 240 days of work continuously in a year.

9. When such finding had been given, whether it was justified on the part of the Labour Court to give a direction to the Management to pay a sum of Rs. 25,000/- to each of the employee as a compensation, was the question which, of course, was correctly decided by the learned Judge in the findings given in this regard in the order impugned, which we do not want to interfere.



W.A(MD)No.523

10. In view of the same, this Writ Appeal fails and hence it is dismissed. No costs.

(R.S.K., J.)

(G.A.M., J.)

01.04.2024

Index : Yes / No
Neutral Citation : Yes / No
bala



WEB COPY



W.A(MD)No.523

R.SURESHKUMAR, J.
and
G.ARUL MURUGAN, J.

bala

W.A(MD)No.523 of 2024

01.04.2024