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W.P.No.10660 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10660 of 2011

And

M.P.No.1 of 2011

- 1.S R Padmanaba Reddiyar
- 2.S R Radhakrishnan Reddiyar
- 3.S R Meerabai
- 4.S R Madhankummar

... Petitioner

Vs.

- 1.The Presiding Officer,
Principal Labour Court,
Vellore.

- 2.C Natarahan
- 3.K Sekar @ Chandrasekar
- 4.C Gunnalan
- 5.Palani
- 6.K Purushothaman
- 7.P Ravichandran
- 8.P Veerapandiyan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in I.D.Nos.234 to 240 of 2008 and quash its award dated 02.02.2011.



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For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan and Co.
For Respondents : R1 – Labour Court
M/s.S.Priyadharshini for R2 to R8

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent in I.D.Nos.234 to 240 of 2008 and quash its award dated 02.02.2011.

2.The case of the petitioners is that the petitioners are the Proprietors of Janatha Transport; Janatha Rice Mills, Arni Taluk, Tiruvannamalai District and the private respondents were employed in the Janatha Transport only on stop gap arrangement and they are casual labourers who worked for few months or years only and they never worked for 240 days before termination and hence Section 25F of the Industrial Disputes Act will not be applicable. The private respondents committed mis-conducts and when questioned about the irregularities, they voluntarily stopped from duty and they were not retrenched and hence, they are not entitled to claim any relief from the petitioners. However, they raised industrial disputes before the Labour Court and the Labour Court vide impugned order directed the



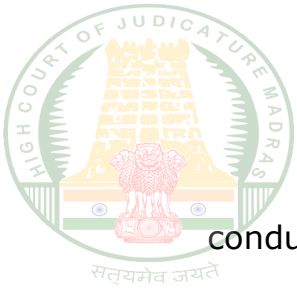
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petitioner Management to pay a compensation of Rs.1,00,000/- to each of the private respondents. Aggrieved by the same, the petitioners have filed this writ petition.

3.The learned counsel appearing for the petitioners submitted that the private respondents are casual labourers who worked for few months or years only and they never worked continuously for 240 days in a calender year and they voluntarily stopped from duty and raised industrial disputes in which the Labour Court awarded encomium to the wrong doers.

4.The learned counsel for the respondents 2 to 8 submitted that already change of vakalat has been given and reported 'no instructions'.

5.Perusal of records disclose that the private respondents in their claim petitions had claim that they are the employees of Janatha Transport, a public motor transport company having seven buses with route permit and two spare buses and two mini buses and one lorry and they were employed under the petitioners Management for more than 20 years and they were terminated without any valid reason or



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conducting enquiry and their termination is in violation of Section 25 F of the Industrial Disputes Act, 1947. The private respondents have admitted in their cross examination that they had raised industrial dispute only after three years from the date of termination.

6.The Labour Court after considering the evidence let in by Worker side witnesses 1 to 6 and one Management side witness and the exhibits marked viz., Worker side exhibits Ex.W1 to Ex.W97 and Management side exhibits Ex.M1 to Ex.M17 and after discussing the factual aspects elaborately, passed order dated 02.02.2011, directing the petitioner Management to pay a compensation of Rs.1,00,000/- to each of the private respondents, which is just and reasonable and the same warrants no interference.

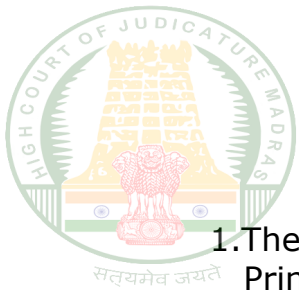
7.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2025

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No
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1.The Presiding Officer,
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M.DHANDAPANI,J.
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