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W.A.No.1357 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.1357 of 2015

The New India Assurance Company Ltd.,
Rep. By its Assistant General Manager,
770-A, Anna Salai,
Chennai-600 002

... Appellant

Vs.

1.The Central Government Industrial Tribunal
Cum Labour Court,
“B” Wing, 26, Haddows Road,
Shastri Bhavan,
Chennai-600 006

2.P.Vijayaraghunathan

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order dated 10.02.2015 made in W.P.No.24773 of 2006 passed
by this Court.



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For Appellant : Mr.V.Perumal
For Respondents : R1- Labour Court
R2 – No Appearance

JUDGMENT

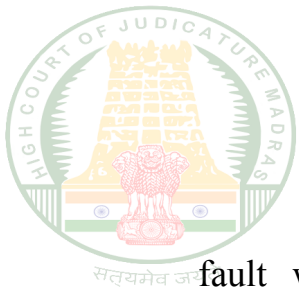
(Judgment of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the order passed by the learned Single Judge of this Court in W.P.No.24773 of 2006 dated 10.02.2015.

2.The point of reference before the Industrial Tribunal was as follows:

“Whether the action of the management of The New India Assurance Co. Ltd. in not providing employment after 16.6.2001 to Shri P.Vijayaraghunathan is justified? If not, to what relief he is entitled to?”

3.Based on the oral and documentary evidences produced by the concerned workman / the second respondent herein, the Industrial Tribunal had come to the conclusion that the second respondent had worked continuously for 240 days in 12 calendar months and therefore, had found



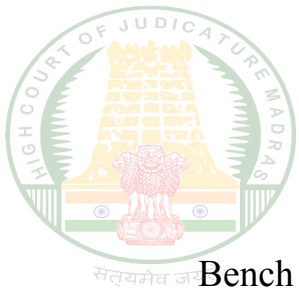
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fault with the termination effected by the appellant herein without following the procedure contemplated under Section 25 F of the Industrial Disputes Act, 1947.

4.The challenge to the award of the Industrial Tribunal, made before the learned Single Judge, was also rejected, through the orders passed in W.P.No.24773 dated 10.02.2015. However, the learned Single Judge, while confirming the award of the Industrial Tribunal, restricted the back wages to 50% while granting continuity of service. This order passed in the Writ Petition is assailed before us.

5.Mr.V.Perumal, learned counsel for the appellant would submit that the Industrial Tribunal had wrongly come to the conclusion that the second respondent had worked for 240 days in 12 calendar months. By placing reliance on the evidences adduced by the second respondent, he contended that the second respondent was only a part-time employee and not in continuous employment. This apart, he would submit that the learned Single Judge ought to have awarded compensation instead of granting 50% back wages, for which purpose he relied upon the decision of a Co-ordinate



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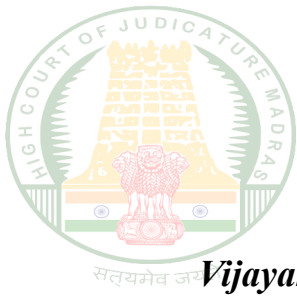
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Bench of this Court in W.A.No.2723 of 2023 dated 13.08.2024 in the case of ***Bala Vijayakumar vs. The Presiding Officer and another.***

6.The Industrial Tribunal had placed reliance on the documentary evidences let in by the second respondent herein, more particularly on Ext.W8 and Ext.W10, wherein the Management itself appeared to have recommended for regularisation of the second respondent's services. Before the Industrial Tribunal, not a single document was produced on the part of the Management, to substantiate their case. It is in this background, that the Industrial Tribunal had come to the conclusion that the concerned workman was in continuous employment for 240 days in 12 calendar months.

7.Before the learned Single Judge, the Management had not canvassed any grounds to demonstrate perversity in the award of the Tribunal. The learned Single Judge, had therefore, examined the evidence available on record and concluded that no interference with the award was warranted. However, the back wages were modified and restricted to 50%.

8. Insofar as the decision relied upon by the learned counsel in ***Bala***



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Vijayakumar's case is concerned, the issue therein was as to whether the appellant was entitled to reinstatement together with back wages. On such facts, the Co-ordinate Bench, in that context, had modified the order by directing the Management to pay the lump sum compensation. The facts involved in *Bala Vijayakumar's case* may not be applicable to the present appeal.

8.In the light of the above observation, we do not find any merits that may warrant inference to the award passed in the Writ Court.

9.Accordingly, this Writ Appeal stands dismissed. No Costs.

[M.S.R., J] [R.S.V.,J]

09.09.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Anu

M.S.RAMESH, J.
and



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R.SAKTHIVEL, J.

Anu

To

The Central Government Industrial Tribunal
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