



W.P.No.1378 of 2012

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 05.02.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.1378 of 2012**

1.R.M.Anandan  
2.R.Muthu  
3.M.Raja  
4.M.Pakiaraj  
5.M.Chelladurai

... Petitioner

Vs.

- 1.The Presiding Officer,  
Central Government Industrial Tribunal cum Labour Court,  
1<sup>st</sup> Floor, Sasthri Bhavan, 'B' Wing,  
26, Haddows Road,  
Chennai-600 006.
- 2.The General Manager,  
Southern Railway,  
Park Town, Chennai-600 003.
- 3.The Chief Commercial Manager/Catering,  
Southern Railway,  
Park Town, Chennai-600 003.



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4. The Regional Director,  
Indian Railways Catering and Tourism Corporation,  
6-A, The Rain Tree Place,  
No.9, Mc.Nicholas Road,  
Chennai-600 031.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the file of the first respondent in I.D.Nos.11 to 16 of 2008 and quash the impugned award made therein dated 09.06.2011 insofar as the petitioners are concerned and consequently, direct the respondents 2 to 4 to reinstate the petitioners in service, with continuity of service with backwages and with all other attendant and consequential benefits.

For Petitioner : Mr.K.M.Ramesh  
Senior Counsel for  
M/s.V.Subramani

For Respondents : R1-Tribunal  
Mr.P.T.Ram Kumar for R2 and R3  
Mr.V.G.Suresh Kumar for R4

## **ORDER**

This Writ Petition has been filed challenging the award dated 09.06.2011 passed in I.D.Nos.11 to 16 of 2008 by the first respondent and for a consequential direction to the respondents 2 to 4 to reinstate the petitioners in service with continuity of service and backwages and all other



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consequential benefits.  
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2. The learned Senior Counsel appearing for the petitioners submit that the petitioners joined the service in Catering Department of the Southern Railway as Helpers on 21.01.1992 and they were deputed to work in the Godown at Royapuram and were engaged in loading and unloading of catering materials, utensils and groceries for catering services into the coaches. From the date of joining the service, they had discharged their duties efficiently and had worked for more than 240 days in each calendar year and their last drawn wages were Rs.150/- per day. While so, in the year 2005, the Catering service was handed over to the fourth respondent/Indian Railways Catering and Tourism Corporation and the fourth respondent refused to allow the petitioners to work as usual and they were orally terminated by the third respondent. Challenging the oral termination, the petitioners have raised I.D.Nos.11 to 16 of 2008 before the first respondent and the same were dismissed. Aggrieved by the same, the present Writ Petition has been filed.



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3. The learned Senior Counsel appearing for the petitioners submits that in order to prove the employer-employee relationship, the petitioners marked Identity Cards issued by the second and third respondents, entry permit and bill of purchased provisions and receipt for loading and unloading of catering materials, and all those documents were not disputed by the second and third respondents. The above documents produced by the petitioners would be sufficient to prove that there was a employer-employee relationship and therefore, the oral termination is bad-in-law. However, the Labour Court arrived at a conclusion that the petitioners are not permanent employees and therefore, they are not entitled to get any relief. Such award passed by the Labour Court is perverse and liable to be interfered with. Accordingly, he prayed for allowing this writ petition.

4. Per contra, the learned counsel appearing for the second and third respondents submits that there was a Railway Recruitment Rule for



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recruiting the railway employees. Though the petitioners claimed that they were appointed as Helpers in the Catering Department of the Southern Railway, no appointment order was produced by them before the Labour Court and they had not continuously worked for more than 240 days and there was no employer-employee relationship. Mere production of xerox copies of Identity Cards, entry permit and other vouchers of loading and unloading work would not be a conclusive proof to show that the petitioners are the employees of the second and third respondents. The said issue was elaborately considered by the Labour Court and the Industrial Disputes raised by the petitioners were dismissed which need not be interfered with by this Court.

5. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the second and third respondents and the learned counsel appearing for the fourth respondent.



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6. The petitioners claimed that they were engaged as helpers in the catering Department of the Southern Railway and had continuously worked for more than 240 days, till the catering service was handed over to the fourth respondent and after handing over the catering service to the fourth respondent, the fourth respondent did not allow the petitioners to work. Though the petitioners had produced the Identity Cards, entry permit and other vouchers issued by the Officials for loading and unloading work, they have not produced any appointment order before the Labour Court and the documents produced by the petitioners are not conclusive proof to prove that the petitioners were the employees of the second and third respondents. The petitioners have not proved that they had continuously worked for more than 240 days in a calendar year as claimed by them. In the absence of the same, it cannot be held that the petitioners were engaged by the second and third respondents continuously. The petitioners were engaged for loading and unloading of catering materials available near Royapuram Railway goods shed which was on need basis. Therefore, the Labour Court rejected the claim of the petitioners vide impugned award dated 09.06.2011 passed in



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I.D.Nos.11 to 16 of 2008. This Court does not find any error in the impugned award dated 09.06.2011 passed in I.D.Nos.11 to 16 of 2008 by the first respondent/Labour Court.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No  
ssb  
To

1.The Presiding Officer,  
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**M.DHANDAPANI, J.**

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