



WEB COPY

WP No. 3508 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 3508 of 2019

AND

WMP NO. 3807 OF 2019

The Management of,
M/s.ARS Engery pvt.Ltd., Rep. by its
Deputy Director N.Prabu S.No.207,
Eghuvarpalayam Village,
Gummidipoondi, Thiruvallur District
Pin 601 201.

Petitioner(s)

Vs

G.Ravichandran,
No.238, Kumaranaickenpet,
Vekkalamman Koil Street,
Eguvarpalayam Village,
Gummidipoondi, Thiruvallur District.
Pin 601 201.

Respondent(s)

WP No. 3508 of 2019

PRAYER

This writ petition has been filed under Article 226 of the Constitution of India to



issue a Writ of Certiorari calling for the records pertaining to the impugned award of the first Additional Labour Court, Chennai passed in I.D.No.406 of 2017 dated 12/11/2018 and quash the same.

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For Petitioner(s): M/s.M.Thamizhavel

For Respondent(s): M/s.A.Prabhakaran

ORDER

Questioning the correctness of the award passed by the I Additional Labour Court Chennai in I.D.No.406 of 2017 dated 12.11.2018, the present writ petition has been filed by the petitioner.

2. Short facts are that the respondent herein have joined the services of the petitioner company as supervisor on 25.05.2012 and his services were regularised vide appointment order dated 01.04.2014. Whiles, on the charge that the petitioner was not regular in his duties and that he had absented himself between 15.01.2016 – 19.11.2016 without prior intimation, the petitioner made enquiries with the respondent. The respondent submitted that he was under treatment for his illness and requested the petitioner management to settle his



full and final settlement. According to the petitioner, Rs.26,730/- was deposited

in the petitioner's bank vide demand draft. The respondent accepted the same in

view of joining the service of the petitioner management. It is the case of the

petitioner that thereafter, the respondent raised an Industrial Dispute seeking to

reinstate him with continuity and to pay back wages and other benefits. The

Labour Court on an analysis of oral and documentary evidence directed the

petitioner to reinstate the workman / respondent with continuity of service and

to pay backwages with all other attendant benefits from the date of termination

till the date of reinstatement. Questioning the same, the present writ petition has

been filed.

3. The respondent workman has filed counter affidavit reiterating the contentions raised before the Labour Court and justified the order passed by the Labour Court.

4. The learned counsel for the petitioner management submitted that the very industrial dispute raised by the respondent workman is not maintainable



because he was working as Supervisor and he would not fall within the definition of workman under Section 2(s) of the Industrial Disputes Act, 1947.

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The learned counsel also submitted that the petitioner himself volunteered to discontinue his services from the petitioner company in case his dues were settled. Having accepted the terminal benefits it is not open to the respondent workman to turn around or question the same and raise the Industrial Dispute.

5. The learned counsel for the respondent submitted that even though the nomenclature of the petitioner was as that of supervisor, the respondent was only doing his duty as a workman. The learned counsel submitted that the Labour Court has examined the materials placed before it in its proper perspective and held that the respondent was only a workman and the petition filed under Section 2A(2) of the Industrial Dispute Act is maintainable. The Labour Court has also found that the petitioner has not followed the due process of law and the respondent was terminated in an individual manner. The learned counsel submitted that the Labour Court must perfectly justify in ordering reinstatement with continuity of service and other attendant benefits. The



learned counsel prayed for the dismissal of the writ petition.

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6. Though the learned counsel for the petitioner harped on the pointed that the respondent was not a workman, evidence of M.W.1 who deposed on behalf of the management seals the case in favour of the respondent workman. He has narrated the duties of the respondent. A reading of his evidence would go to show that the respondent was indeed doing field work. The Labour Court had therefore held that the respondent would fall within the definition of Section 2(s) of the Industrial Disputes Act and was a workman. Therefore, the preliminary objection raised by the learned counsel for the petitioner that the respondent cannot be termed as a workman fails.

7. Likewise, M.W.1 in his cross examination has admitted that the management had not issued any notice alleging negligence on the side of the respondent. He fairly admits that no notice was issue to the respondent about his business and duty and no enquiry was conducted. The contention of the petitioner that the respondent was less qualified to hold the post of supervisor is



also not supported by any material except the oral evidence of M.W.1. Though the petitioner claim that the respondent had offered to quit the job if the petitioner paid his dues, and no document in proof of such claim or request by the respondent has been filed.

8. The Labour Court has held that when there was no charge framed as against the respondent and there is no claim that the respondent was prevented from doing his job, the contentions raised by the petitioner appears to be made with an ulterior motive to clear the defects on the stand that the respondent offered to voluntarily quit the game. The Labour Court went on to hold that termination of the respondent from service without any valid reasons would amount to retrenchment under Section 2(oo) of Industrial Disputes Act, 1947. This Court is in complete agreement with the findings arrived at by the Labour Court.

9. In the result, the writ petition fails and the order passed by the Labour Court directing reinstatement of the petitioner with continuity of service to pay



backwages and all other attendant benefits from the date of termination till the

date of reinstatement are confirmed. No costs. Consequently, connected

miscellaneous petition is closed.

28-03-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The first Additional Labour Court, Chennai



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M.DHANDAPANI J.

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