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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.3416 of 2022
and WMP.No.3523 of 2022

Abirami Technologies Pvt. Ltd.,
Rep. By its Managing Director,
R.Ayyappan.

... Petitioner

Vs

M.Sathish

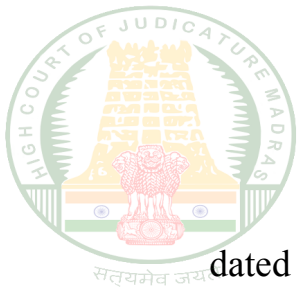
.... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned Award passed by the Presiding Officer, Principal Labour Court, Coimbatore in I.D.No.60 of 2018, dated 22.10.2021 and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondent : No Appearance

ORDER

This Writ Petition has been filed to quash the award passed by the Presiding Officer, Principal Labour Court, Coimbatore in I.D.No.60 of 2018



dated 22.10.2021, wherein the respondent herein has raised an Industrial Dispute as against the oral termination order passed by the Petitioner/Management on 19.10.2017. The Labour Court allowed the petition and directed the respondent to reinstate the petitioner/management into service with continuity of service along with 25% backwages. Aggrieved by the said order, the present writ petition has been filed.

2. The short facts necessary to dispose of this Writ petition are as follows:-

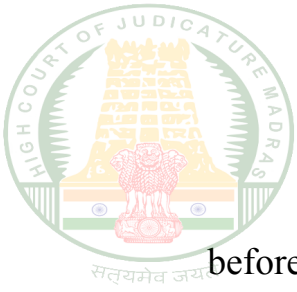
The Petitioner/Management is running a company for lending job works to various companies and collects the finished goods and exports the same. The respondent was working as helper, for loading and unloading the grinders in the petitioner's company. While so, according to the petitioner the respondent himself left the work without intimation to the petitioner's company. When the petitioner proceeded against the respondent for his misconduct and mis-behaviour with other co-workers and customers, he left the work on 19.10.2017 and thereafter he never turned up to the duty. According to the respondent he was orally terminated from service on 19.10.2017. Thereafter, the respondent raised an Industrial Dispute in I.D.No.60 of 2018 before the Labour Court to set aside the termination



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order issued by the petitioner's company and to re-instate the respondent into service. The Labour Court after hearing both sides and perusing the records, allowed the petition filed by the respondent and directed the petitioner / Management to reinstate the workmen with 25% backwages with continuity of service. Aggrieved by the said order, the present writ petition has been filed by the Petitioner's Company.

3. The learned counsel appearing for the petitioner would submit that the respondent was working as helper in the petitioner's company and whenever the necessity arises for loading and unloading the grinders, the petitioner's company engaged the respondent and he himself left from the service without giving any intimation. When the petitioner proceeded against the respondent for his misconduct and misbehaviour with co-workers, he left the work on 19.10.2017 and thereafter he never turned up. Thereafter, the petitioner's company came to know that he started courier service in the name of "Garudaa One 2 Five" at No.20/1, Marudhamalai Road, Vadavalli, Coimbatore-2. The respondent was worked as helper and rest room was provided to him along with three other employees. While so, other three employees left out the work and he illegally made an attempt to occupy the said room and also he filed vexatious rent control proceedings



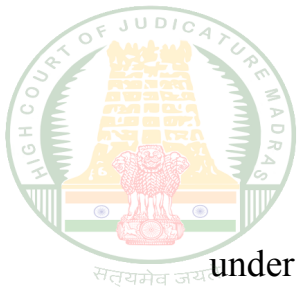
before the V Additional District Munsif Court, Coimbatore in R.C.O.P.

No.1401 of 2018 by claiming that he is a tenant and the same is pending.

After leaving the service on 19.10.2017, he approached the Labour Court after a lapse of 1 ½ years without explaining the delay. The respondent has running a courier service on his own and to increase the income only, he troubled the petitioner's company and raised claims through this writ petition. The petitioner's company is working with 4 employees and labour Laws would not at all attract the petitioner's company as the petitioner's company is depending upon the seasonal work. The Labour Court failed to consider that the respondent is running a courier service, therefore the award passed by the Labour Court without considering the evidence adduced by the petitioner is against law and the same is liable to be quashed.

4. This Court heard the petitioner's side inspite of ample opportunities given to the respondent, no representation on the previous hearing and today also there is no representation for the respondent. Hence, based on the available records this Court passed the order.

5. In this case, there is no dispute that the respondent was working



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under the petitioner's Management. According to the petitioner's management on 19.10.2017, the respondent voluntarily left the job and thereafter he never turned up for duty and the respondent started courier service in the name of "Garudaa One 2 Five", at Manali Road, Vadavalli, Coimbatore. Therefore, the Labour Court without considering the same erroneously allowed the petition and directed the petitioner's company to pay 25% of backwages to the respondent. Though, there is no representation on the side of the respondent before the Labour Court, the case of the respondent is that he joined petitioner's company as a Supervisor and he worked for 240 days in one calendar year with continuity of service and he worked for 6 years with unblemished records., while so, on 19.10.2017, when he went for work, the petitioner's company orally stated him that he was terminated from service and not come to work, therefore, the oral termination is unlawful, which is against the principles of natural justice and without any show cause notice and the charges, the petitioner's company terminated the respondent from service, therefore, the respondent raised an Industrial Dispute before the Labour Court.

6. Before the Labour Court, no documents were filed by both the



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parties to show the nature of work done by the respondent workmen and according to the management, he voluntarily left from service. Therefore it is clear that after 19.10.2017, the respondent was not worked under the petitioner's company. Both side have not filed any documents in respect of the absence of the respondent. Even, assuming that the respondent was continuously absented from service without any intimation, the Petitioner's company has not taken any steps as against the respondent, whereas the respondent pleaded that they won't allow the respondent to do the work. In the absence of any documents to prove the unauthorised absence, the evidence of the workmen that they won't allow the petitioner from to do the work is acceptable.

7. The Labour Court also in this context, after elaborate discussion and analysing evidences fairly came to a conclusion that there is no evidence on the management side to show that any action initiated against the workman for his absence and moreover the petitioner has also not filed any attendance register to show the absence of the respondent. As far as rendering courier service by the workmen is concerned, the respondent denied the signature found in the documents. According to the respondent, he sent a courier service on behalf of Mrs.Shai Antex and the petitioner's



company failed to examine any witness in this regard. However, the petitioner's company orally terminated the service of the respondent, though he worked in the petitioner management for more than 240 days continuously in a calendar year. Therefore the dismissal from service of the employee by the management is arbitrary and is violation of Section 25(f) of the I.D. Act.

8. It is an admitted fact that there is no disciplinary proceedings initiated as against the respondent and he was not even issued with any notice. Therefore, the Labour Court has rightly come to a conclusion that the respondent was not voluntarily retired from his job and he was terminated orally by the management. Therefore, the Labour Court awarded for re-instatement of respondent in service with continuity of service along with 25% of backwages from the date of dismissal order. Therefore, there is no error in the order passed by the Labour Court and the Labour Court passed the order based on the available records. There is no any perversity or illegality in the impugned order and no grounds to interfere with the order under Article 226 of the Constitution of India. Therefore, this petition has no merits and the same deserves to be dismissed.



9. In the result, this writ petition is dismissed. No costs.

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Consequently connected Miscellaneous Petition is closed.

11.07.2025

To

1.The Presiding Officer,
Principal Labour Court,
Coimbatore

P.DHANABAL, J.,



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