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W.A.No.456 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.A.No.456 of 2024
and C.M.P.No.3041 of 2024

Well Knit Industries

Represented by its HR-ADMIN Manager P.Murugesan

No.61, 15-Velampalayam Main Road

Anupparpalayam (P.O.)

Tirupur 641 65

... Appellant

Vs.

1.The Presiding Officer

Labour Court

Coimbatore District

2.M.Murugesan

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent, praying to set aside the order dated 12.09.2023 made in W.P.No.8799 of 2017 passed by this Court by allowing this Writ Appeal.

For Appellant : Mr.R.Bharathkumar

For Respondent : M/s. Prokodi - R2

JUDGMENT

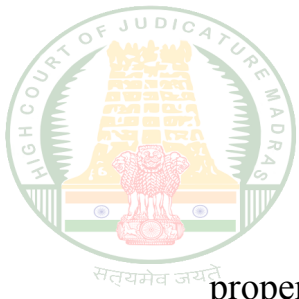


W.A.No.456 of 2024

WEB COPY M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

Claiming that the 2nd respondent herein was terminated orally on 20.11.2006 by the Management, he had raised an Industrial Dispute before the Labour Court, Coimbatore, in I.A.No.675 of 2008. The Labour Court vide award dated 27.09.2016, set aside the order of dismissal and directed the Management to reinstate the workman together with continuity of service and other attendant benefits. However, no award was passed for payment of backwages. When the Management had challenged the award of the Labour Court before the Writ Court in W.P.No.8799 of 2017, the learned Single Judge had dismissed the W.P.No.8799 of 2017 on 12.09.2023, as against which the present appeal has been filed.

2.The learned counsel for the Management argued that the workman was the contract employee and was never under their regular services. According to him, the Labour Court, had disregarded this aspect and passed the award for reinstatement, which aspect was also not



W.A.No.456 of 2024

properly appreciated by the Writ Court.

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3.Per contra, the learned counsel appearing for the workman submitted that sufficient evidences were let in before the Labour Court, Coimbatore, with regard to the workman's employment under the Management, and in appreciation of such evidences, the Labour Court had rightly come to the conclusion that there existed an employer - employee relationship, and accordingly passed an award for reinstatement. The learned Single Judge had also taken into account that the petitioner was not properly registered for engaging contract workers and therefore disbelieved their claim that the workman was a contract employee.

4.Before the Labour Court, the main contention of the Management that the workman was a contract employee was disbelieved predominantly on the ground that the Management had not registered themselves for engaging contract workers as required under the Contract Labour (Regulation and Abolition) Act. The Labour Court had also taken into account that if there was any contract between the Management and



W.A.No.456 of 2024

WEB COPY

the alleged contractor, the Management ought to have produced the contract before the Labour Court, which they had failed, and therefore had disbelieved their claim with regard to engaging the said workman through a contractor.

5.This apart, the Labour Court had also taken into account of the E.S.I. card viz. Ex.W7 produced by the workman and come to the conclusion that there was an employer - employee relationship between the Management and the 2nd respondent. It is in this background, the oral termination was set aside and reinstatement was ordered.

6.In our view, the Labour Court had passed such an award by properly appreciating the evidences before it. The learned Single Judge was also right in rendering a finding that the statutory obligation on the part of the Management to register themselves for engaging contract services was not done and they have not substantiated before the Labour Court that the workman was a contract employee.



W.A.No.456 of 2024

WEB COPY

7. We do not find any reasons to interfere with both the award of the Labour Court or the order passed in the Writ Petition. At this juncture, it is brought to the notice of this Court, that the 2nd respondent had reached the age of superannuation in the month of March, 2025. The statement is hereby recorded.

8. In the result, the Writ Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.]

[R.S.V, J.]

24.09.2025

kas

Index: Yes / No

Neutral Citation

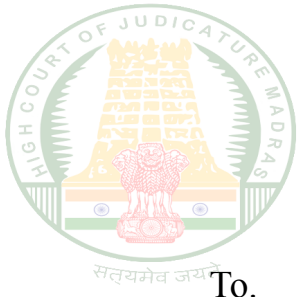
Speaking / Non Speaking

M.S.RAMESH, J.

and

R.SAKTHIVEL, J.

kas



W.A.No.456 of 2024

To.
WEB COPY

1.The Presiding Officer
Labour Court
Coimbatore District

W.A.No.456 of 2024
and C.M.P.No.3041 of 2024

24.09.2025