



WEB COPY



W.P.No.25773 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25773 of 2011

And

M.P.No.1 of 2011

The Management of
KSB Pumps Ltd.,
Rep. by its Senior Manager – HR ... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.M Ramachandran ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari calling for the records of the first respondent
in ID No.423 of 2003 and quash its award dated 10.06.2011.

For Petitioner : Mr.Anand Gopalan
for M/s.Agam Legal Advocates

For Respondents : R1 – Court
Mr.Ajoy Khose for R2
for M/s.G.B.Saravana Bhavan



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent in ID No.423 of 2003 and quash its award dated 10.06.2011.

2.The case of the petitioner is that the petitioner is engaged in the manufacture of industrial valves and trained manpower is essential for manufacturing process of the petitioner as the products manufactured therein are high precision one by using sophisticated machinery. The petitioner has a certified standing orders certified in the year 1989 which provides for engagement of trainees [clause 2(d)] for a period specified by the Management. The petitioner is also having a company trainee scheme which provides for methodology of training both in technical and non technical aspects.

3.The further case of the petitioner is that the second respondent was initially engaged as a casual labour during September, 1993. On 01.01.1996, the petitioner who had passed SSLC was appointed as trainee for a period of one year in terms of agreement dated 01.01.1996 and during the said period, the second respondent



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underwent training in coil winding trade. On 27.02.1997, an agreement was entered into with the second respondent for further training for a period of seven months, however, due to adverse business reasons, the training was suspended with effect from 19.05.1997 and since the business condition did not improve, the training period of the second respondent came to an end on 27.07.1997.

4.The further case of the petitioner is that thereafter, the second respondent filed I.D.No.423 of 2003 before the first respondent. Before the first respondent, the second respondent examined himself as W.W.1 and marked exhibits Ex.W1 to Ex.W4. The petitioner examined one witness M.W.1 and marked exhibits Ex.M1 to Ex.M17. After adjudication, the first respondent passed the impugned order directing the petitioner to reinstate the second respondent in service with continuity of service and to pay a sum of Rs.50,000/- towards backwages and other attendant benefits for the non employment period commencing from 19.05.1997 to till the date of reinstatement. Challenging the same, the petitioner has filed this writ petition.



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5.The learned counsel for the petitioner submitted that till date the second respondent received 17 b wages from the petitioner Management. The second respondent was initially engaged as a casual labour and thereafter was appointed as trainee as per the scheme available at the relevant point of time, however, the training was not successful and thereby the agreement came to an end, however, without considering the above aspects, the first respondent passed the impugned order, which is not sustainable one.

6.Per contra, the learned counsel appearing for the second respondent submitted that the second respondent was employed as temporary employee under the guise of training and at the end of training period, the second respondent would have been appointed as permanent employee, however, all of a sudden, his service was terminated. Hence, the Labour Court passed the impugned order, which warrants no interference.

7.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the second respondent and perused the materials available on record.



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8.The petitioner claim that the second respondent was initially engaged as a casual labour and thereafter was appointed as trainee as per the scheme available at the relevant point of time, however, the training was not successful and thereby the agreement came to an end. Whereas, the second respondent claim that the second respondent was employed as temporary employee under the guise of training. However, the fact remains that from the year 1997, the second respondent was not in service and hence ordering reinstatement after a lapse of nearly 28 years is not possible. Hence, in the interest of the petitioner and the second respondent and inorder to strike balance between them, this Court is of the opinion that a sum of Rs.7,50,000/- would be a justifiable compensation to the second respondent.

9.The petitioner Management is directed to pay a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand Only) in full quit to the second respondent, within a period of four weeks from the date of receipt of a copy of this order, failing which, the petitioner Management would be liable to pay interest at the rate of 7.5% p.a., from the date of writ petition till the date of actual payment.



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M.DHANDAPANI,J.
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10.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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

To

1.The Presiding Officer,
Labour Court,
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