



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 20944 of 2013

1. K.Kumar,
2.K.Sankaran,
3.K.Balakrishnan,
4.L.Neela,
5.Nithya,
6.P.Sankar,
7.M.Ravi,
8.M.Dhasarathan,
9.G.Venugopal, (deceased)
10.S.Ganapathi,
11.P.Kumar,
12.S.Kumar,
13.V.Rajasekar,
14.V.Karthikeyan,
15.V.Sampathkumar,
(P13 To P15 Are Substituted As Lrs Of
Deceased P9, As Per Order Dated
18.02.2025 In WMP.5025/2025 In
WP.20944/2013)

Petitioner(s)

Vs

1. Rani,



2. The Presiding Officer,
II Additional Labour Court, Vellore,
Vellore District.

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Respondent(s)

WP No. 20944 of 2013

PRAYER

calling for the records of the 2nd respondent in the common award dt 13.10.2011 passed in I.D. Nos. 171 of 2003, 172 of 2003, 173 of 2003, 174 of 2003, 189 of 2003, 190 of 2003, 192 of 2003, 79 of 2004, 81 of 2004, 83 of 2004 and 84 of 2004 and quash the same and consequently to direct the 1st respondent to reinstate the petitioners with full back wages, in I.D. No. 174 of 2003 the Legal Heirs of the petitioner Mr.P.C. Lakshmanan restrict their prayer of full back wages only, upto the period of their fathers death i.e., on 6.1.2012

For Petitioner(s): M/s.Thamizharasi

For Respondent(s): R-2 Labour Court
M/s. Mumtaj Surya, For R1

ORDER

The petitioners are aggrieved by the common award passed by the second respondent Labour Court dated 13.10.2011.

2. The petitioners were working in the cafe run by the first respondent. They were working as roti master, server, supplier, dosa master. According to the petitioners, they were working in the first respondent cafe since 1993. The cafe was closed in June 2003. Since they were left unemployed, the petitioners



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raised an industrial dispute which was referred to conciliation officer as no conciliation was reached, a failure report was given and armed with the said report, the present industrial disputes were raised. The Labour Court on an analysis of entire materials available before it came to a conclusion that barring petitioners 10 and 11 and other petitioners have proved their employment with the first respondent and therefore, the Labour Court awarded a compensation of Rs.25,000/- to each of the petitioners with interest at the rate of 9%. Seeking reinstatement with full backwages, petitioners 1 to 9 and 12; aggrieved by the rejection of the claim, petitioners 10 and 11 have filed these writ petitions.

3. Having perused the impugned order and having heard the arguments advanced on both sides, this Court is of the view that the Labour Court though was right in its finding that petitioners 1 to 9 and 12 proved their employment with the first respondent, as heard in disbelieving the case of petitioners 10 and 11 that they too were working under first respondent.

4. The petitioner No.10 was employed as a cleaner. The basis for disbelieving his case was that when the Labour Inspector inspected the hotel, his name was not found in the attendance register. Likewise, petitioner No.11



was working as server and on the date when the inspection was done with the

Labour Inspector, his name was also no found in the attendance register. Solely

on the basis of this reason the Labour Court has disbelieved the averments made by these petitioners that they were also employed by the first respondent.

5. Admittedly, the first respondent hotel was only a 10/10 feet hotel run in the bus stop at Tirupattur. One can visualise the crowd that the said hotel would draw. It is not possible for the first respondent cafe to maintain each and every minute detail of the workers. May be, on that day when the Labour Inspector inspected the hotel these two petitioners might have been absent on duty. But, their evidence before the Labour Court is sufficient to substantiate that they had indeed been working under the first respondent. The Labour Court had awarded only Rs.25,000/- as compensation. The Labour Court should have extended the same benefit to the petitioners 10 and 11 also.

6. In the result, writ petition as against petitioner Nos.1 to 9 and 12 is dismissed. The petition as against petitioners 10 and 11 is partly allowed and they would be entitled to a sum of Rs.25,000/- as compensation. The first respondent shall pay the said sum within a period of eight (8) weeks from the



date of receipt of a copy of this order, failing which, the same will invite interest at the rate of 9% per annum from the date of petition till the date of payment.

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No costs.

05-03-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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The Presiding Officer,
II Addl.Labour Court, Vellore, Vellore
District.



M.DHANDAPANI J.

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