

W.P. No.4828 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.03.2025

PRONOUNCED ON : 02.04.2025

PRESENT:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P.No. 4828 of 2020

K.Murugesan,
S/o. Mr.P.Kuppan
Kodivalli Village,
Eluppur Post,
Tiruttani Taluk,
Thriuvallur District.
Pin code: 631 204

...Petitioner

Vs.

The Management
Indian Furniture Products Limited,
No.G-106, SIDCO Industrial Estate,
Kakkalur, Thiruvallur District
Pin Code : 602 003.

.... Respondent

Prayer in W.P

To issue an order or direction or writ and in particular writ of certiorarified mandamus calling for the records of the Presiding Officer, II Addl. Labour Court, Chennai pertaining to its order dated 11.04.2014 made in I.D.No.8 of 2006 and quash the same and consequently directing the Respondent to reinstate the Petitioner with continuity of service and back wages and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.



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Appearance of Parties:

For Petitioner : M/s. C.Venkatesan and E.Chandran, Advocates

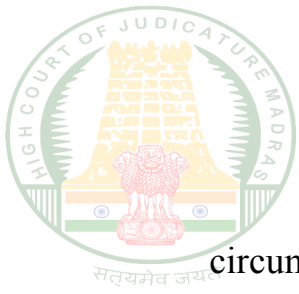
For Respondent : No appearance

J U D G M E N T

Heard.

2.The writ petition has been filed by the workman challenging the award passed by the II Additional Labour Court, Chennai, in I.D. No. 8 of 2006, dated 11.04.2014. By the impugned award, the Labour Court held that the petitioner had not established that he was a regular workman and found that he was only a trainee, thereby holding him ineligible for any relief.

3. The petitioner did not challenge the said award within a reasonable time. On the contrary, he contends that he had tendered evidence before the Labour Court and that the matter was posted for arguments. According to him, his counsel had informed him to appear on the date fixed for arguments, i.e., 11.04.2014. However, on that day, his mother fell ill and required hospitalization, and he was compelled to take care of her for the next four years. He claims that due to these



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circumstances, he was unable to pursue his dispute. His mother ultimately passed away on 02.11.2017.

4.Subsequently, when the petitioner approached his counsel, he was informed that the case had been dismissed for default on 11.04.2014 due to non-advancement of arguments. Thereafter, the petitioner filed I.A. No. 279 of 2017 in I.D. No. 8 of 2006, seeking condonation of a delay of 1261 days for restoration of the industrial dispute which had been dismissed for default on 11.04.2014. Notice was ordered on the said application, and the respondent filed a counter contending that the petitioner had failed to explain the delay on a day-to-day basis. It was further submitted that the delay, being over four years, was not bona fide and deserved to be rejected.

5. The Labour Court dismissed I.A. No. 279 of 2017, holding that the application lacked bona fides. Upon a perusal of the case records, it was found that when the matter was posted for arguments, neither the petitioner nor his counsel advanced any submissions. Consequently, following a full trial, the award was passed on 11.04.2014. The Labour Court also noted that no hearing was scheduled on 11.04.2018, as



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claimed by the petitioner. It further held that if the petitioner was aggrieved by the award, the appropriate course was to challenge it in accordance with law, and the question of restoring the industrial dispute on file did not arise.

6. The petitioner thereafter filed W.P. No. 24910 of 2018 before this Court, challenging the order dated 23.08.2018 passed by the Labour Court in I.A. No. 279 of 2017. This Court disposed of the writ petition by order dated 24.01.2020, with the following observations: –

“Considering the fact that the petitioner presumed it as an exparte award was passed and filed the above I.A. and the said I.A. was dismissed on 08.11.2017 and the present writ petition is filed on 17.09.2018 and further considering the fact that the award was passed on merits, this Court is of the view that it is for the petitioner to challenge the said award in a manner known to law. Accordingly, this Writ Petition is disposed of by granting liberty to the petitioner to challenge the said award dated 11.04.2014 made in I.D.No.8/2006 before the appropriate forum. No costs.”

7. Pursuant to the liberty granted, the present writ petition came to be filed. The petitioner had earlier raised an industrial dispute under Section 2A of the Industrial Disputes Act before the Assistant Commissioner of Labour, Chennai, through his letter dated 03.06.2005 (Ex.W9). The management filed its reply statement dated 04.08.2005



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(Ex.W10), to which the petitioner submitted a rejoinder dated 29.08.2005

(Ex.W11). As the Conciliation Officer was unable to effect a settlement, he submitted a failure report dated 10.10.2005 (Ex.W12).

8. Based on the failure report, the petitioner filed a claim statement before the II Additional Labour Court on 03.06.2006. The dispute was taken on file as I.D. No. 8 of 2006, and notice was ordered to the respondent. In response, the respondent filed a detailed counter statement dated 01.06.2007. Before the Labour Court, the petitioner examined himself as WW1 and marked 12 documents on his side, which were exhibited as Ex.W1 to Ex.W12. On behalf of the respondent, one S. Palani was examined as MW1, and 17 documents were filed and marked as Ex.M1 to Ex.M17.

9. Upon analyzing the evidence on record, the Labour Court concluded that the petitioner was only a trainee. In paragraph 11 of the award dated 11.04.2014, it was noted that the petitioner himself had admitted to having worked as a temporary employee and that he was engaged as a trainee from 11.06.2002 to 28.02.2005. Ex.M17, the



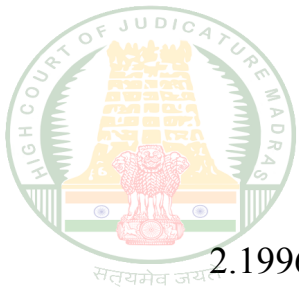
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appointment order, confirmed his engagement as a trainee with a stipend of Rs. 2,017/-. The Labour Court further observed that no amount other than the stipend was paid to him, which was also admitted by the petitioner during his cross-examination as WW1.

10. The Labour Court further held that the management had imported sophisticated computerized machinery, which required operation by skilled and permanent workers. It found that only such skilled permanent operators were entrusted with handling those machines, whereas trainees were engaged solely for assembling the manufactured furniture at the locations specified by the customers. The Labour Court also observed that Ex.M17 clearly indicated the duration of the training period, and Clause 12 of the said document explicitly stated that there was no assurance of employment upon completion of the training.

11. Before the Labour Court, the management placed reliance on the following judgments of the Supreme Court and this Court:—

1.2001 (1) LLJ 1346 (SC)



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2.1996 I LLJ 888 (SC)

3.12998-III LLJ 666 (SC)

4.2004 II LLJ 626 Madras High Court

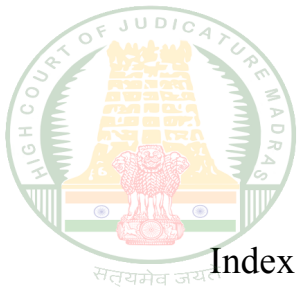
12. The Labour Court concurred with the reasoning set out in the aforesaid judgments. In light of the fact that the petitioner was appointed only as a trainee and there was no assurance of employment upon completion of the training period, the Labour Court declined to grant any relief to the petitioner.

13. This Court is not inclined to interfere with the impugned award passed by the Labour Court. Although the petitioner was granted liberty to challenge the award after a delay of four years and ultimately filed the present writ petition after a lapse of six years, this Court finds no infirmity in the findings rendered by the Labour Court. Accordingly, the writ petition in W.P. No. 4828 of 2020 stands dismissed. However, there shall be no order as to costs.

02.04.2025

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Index: Yes / No

WEB CON Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

To

The Presiding Officer,
II Additional Labour Court
Chennai.

DR. A.D. MARIA CLETE, J

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Pre-Delivery Judgment made in
W.P.No. 4828 of 2020



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