



W.P.Nos.34821 & 34822 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.34821 & 34822 of 2012

1.S.Palayan ... Petitioner in W.P.No.34821 of 2012

2.A.Vincent ... Petitioner in W.P.No.34822 of 2012

Vs.

1.The Management of Murugan Meta Industries,
18, Rizwan Street,
Kodunkaiyur,
Chennai – 600 118.

2.Presiding Officer,
III Additional Labour Court,
Chennai.

... Respondents in both WPs

Prayer in both WPs: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the awards dated 16.08.2020 and 18.08.2010 passed in I.D.Nos.221 and 220 of 2002 on the file of 2nd respondent and quash the same and consequently direct the respondent to reinstate the petitioner in service with full back-wages, continuity of service with all other attendant benefits.



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For Petitioner : Mr.A.Venkatesh
(in both WPs) for M/s.S.Dhanaraj
For Respondents : Mr.M.R.Dharanichander [R1]
(in both WPs) Labour Court [R2]

COMMON ORDER

Since the petitioner in both the writ petitions were working in the same management, the 1st respondent herein and the issue involved is identical, these writ petitions are disposed of by way of this common order.

2. Both the petitioners/workmen were engaged in the services of the 1st respondent/management as casual labour and they were doing copper plating job and they were paid weekly wages. Whiles, the petitioner in W.P.No.34821 of 2012 left the services of the 1st respondent on 27.08.2001 and the petitioner in W.P.No.34822 of 2012 left the services of the 1st respondent on 13.11.2001. Thereafter, they have sent a letter to the management that they were illegally terminated from service. The 1st respondent reply the petitioners that the management is willing to employ them and asked them to join duty immediately. The petitioners failed to report duty; instead they filed petitions before the Labour Officer



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alleging that they were denied employment by the management. The management filed a counter and agreed before the Labour Officer that they are willing to take back the petitioners into service, without backwages. The petitioners insisted on backwages, which the management was not ready to offer. Since both parties could not reach a consensus, the Labour Officer submitted a failure report. This paved the way for the petitioners to raise disputes before the Additional Labour Court, Chennai, which was taken on file in I.D.Nos.221 and 220 of 2002. Before the Labour Court, the petitioners claimed that they were illegally terminated. The 1st respondent took a defence that the petitioners left the services on their own accord and therefore, Section 2(oo) of the I.D. Act, namely retrenchment is not attracted. Labour Court on appreciation of both the oral and documentary evidence, rejected the claim of the petitioners for reinstatement. Challenging the same, the present writ petitions have been filed before this Court.

3. Learned counsel for the petitioners submitted that, the petitioners were illegally terminated, and though the 1st respondent/management agreed before the Labour Officer that the petitioners would be offered employment, however the management was ready to pay only



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a pittance as a salary, which was very low. Further, he submitted that the petitioners were negotiating with the management for higher offer, however, the management was adamant in its stand and terminated the petitioners, which is wholly unsustainable and the same is liable to be interfered with. Accordingly, he prays for allowing these writ petitions.

4. Learned counsel appearing for the 1st respondent submitted that, during the pendency of these writ petitions, the 1st respondent establishment itself is closed and they are not in existence. Further, he submitted that, during the proceedings before the Conciliation Officer, management offered to give employment and the petitioners reported for duty. The petitioners demanded Rs.7,000/- as monthly salary, however, the management was ready to pay only Rs.120/- per day. The petitioners refused the said offer. Though the management was ready to employ them, the petitioners refused to join duty as they wanted a higher income, which is not sustainable, thereby, the Labour Court has passed the impugned awards, which does not require any interference. Accordingly, he prays for dismissal of these writ petitions.

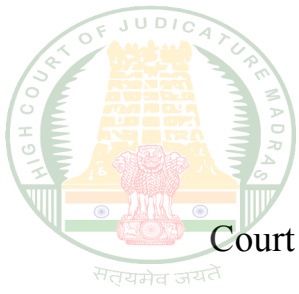


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5. Heard the learned counsel for the petitioners and the learned counsel appearing for the 1st respondent and also perused the materials available on record.

6. On a perusal of the impugned order, it seen that on the side of the management, evidence was let in that copper plating job has been replaced with vessels fabrication. The Tamil Nadu Pollution Control Board has directed the 1st respondent unit to be closed because of pollution and thereafter, the 1st respondent has stopped copper plating and switched over to vessels fabrication. Since the petitioners were not inclined to do vessels fabrication job, they did not join the 1st respondent. Petitioners have not filed any proof showing that they were employed by the 1st respondent or that the 1st respondent has terminated them without reasons. On the other hand, the 1st respondent has proved that the petitioners did not return to duty since they were not ready to do vessels fabrication and that they demanded a higher wage.

7. The petitioners have left their employment with the 1st respondent on their own accord and the management has let in evidence to show that the petitioners were gainfully employed elsewhere. This



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Court is of the view that the petitioners were hoping from one job to other wherever they found a greener pasture. The management has their own procedure and whenever a new recruit joins, he has to be trained from the scratch. The petitioners have not demonstrated either before the Labour Court or before this Court that they were illegally terminated by the 1st respondent/management. On the other hand, the management has proved that they are willing to take back the petitioners and indeed an offer was genuinely made, however, the the petitioners demand a very high wage and they were also not willing to do vessels fabrication. Therefore, the petitioners cannot now turn around and blame the management.

8. For the reasons aforesaid, these writ petitions fail and accordingly, the same are dismissed. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To



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M.DHANDAPANI, J.

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