



W.P. Nos. 4670 and 4671 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

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THE HON'BLE Mr. JUSTICE M.DHANDAPANI

**W.P. Nos. 4670 and 4671 of 2012
and M.P. Nos. 2 and 2 of 2012**

W.P. No. 4670 of 2012:-

The Management
Indira Industries
No.6, SIPCOT Industrial Complex
Ranipet – 632403.

... Petitioner

-VS-

1. A.Desingh
S/o.Archunan
2. The Presiding Officer
Principal Labour Court
Vellore, Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records in pursuant to the award dated 12.01.2011 made in I.D. No. 119 of 2007 on the file of the second respondent Labour Court and quash the same.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.V.Ajoy Khose (R1)
R2-Court

W.P. No. 4671 of 2012:-



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The Management
Indira Industries
No.6, SIPCOT Industrial Complex
Ranipet – 632403.

... Petitioner

-VS-

1. G.Mahalingam
S/o.Ganesan
2. The Presiding Officer
Principal Labour Court
Vellore, Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records in pursuant to the award dated 12.01.2011 made in I.D. No. 67 of 2009 on the file of the second respondent Labour Court and quash the same.

For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.V.Ajoy Khose (R1)
R2-Court

C O M M O N O R D E R

These writ petitions have been filed challenging the award dated 12.01.2011 made in I.D. Nos. 119 of 2007 and 67 of 2009 on the file of the second respondent Labour Court.

2. Heard Mr.T.P.Prabakaran, learned counsel for the petitioner and Mr.V.Ajoy Khose, learned counsel for the first respondent and perused the



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materials placed on record, apart from the pleadings of the parties.

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3. It is the case of the petitioner in W.P.no.4670 of 2012 that the first respondent raised an industrial dispute in ID No.119 of 2007 on 30.11.2006 under Section 2A of Industrial Dispute Act stating that he was working in the petitioner company for more than three years as welder and he was getting Rs.3650/- per month as wages. He was refused employment by the petitioner Management from 12.11.2006 since he demanded statutory bonus and other benefits like ESI and PF. The second respondent Labour Court vide its award dated 12.01.2011 allowed the petition without properly appreciating the facts and directed the petitioner management to reinstate the first respondent in service with continuity of service along with 50% of the back wages. Having aggrieved over the same, the petitioner has filed W.P.No.4670 of 2012 before this Court.

4. It is the case of the petitioner in W.P.no.4671 of 2012 that the first respondent raised an industrial dispute in ID No.67 of 2007 under Section 2A of Industrial Dispute Act stating that he was working in the petitioner company from the year 1996 and he was paid daily wage amounting to Rs.5370/- per month. He was refused employment by the petitioner Management from



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26.10.2008 as he was a temporary worker. The second respondent Labour Court

vide its award dated 12.01.2011 allowed the petition without properly appreciating the facts and directed the petitioner management to reinstate the first respondent in service with continuity of service along with 50% of the back wages. Having aggrieved over the same, the petitioner has filed W.P.No.4671 of 2012 before this Court.

5. The learned counsel for the petitioners submitted that the respective respondents employed as contract labour and they are not employed with the petitioner management. There is no employee employer relationship between them. To prove the said fact, the petitioner has marked certain documents before the Labour Court. Before the Labour Court the first respondent has categorically admitted in the cross examination that the documents pertaining to ESI and PF was not produced by them. Without considering the said documents, the Labour Court passed award for reinstatement along with 50% backwages, which is not sustainable.

6. Per contra, the learned counsel for the first respondent submitted that before the Labour Court, MW3 has categorically admitted that the first respondent has not employed with him. They directly employed with the petitioner Management. Based on his evidence, the Labour Court passed award for



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reinstatement which needs no interference.

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7. The facts of the case are not in dispute. Admittedly, the respective respondents claimed that they have employed with the petitioner Management and they were orally terminated by the petitioner Management and therefore, the workmen raised an industrial dispute. In order to prove the employment, the respective workmen have produced ID Card before the Labour Court. Apart from that MW2, who is the contractor, has examined before the Labour Court. He clearly deposed that the respective respondents were working in the petitioner management.

8. In view of the above documents and evidences, the Labour Court had arrived at a conclusion that the first respondent have employed with the petitioner Management and ordered for reinstatement along with 50% back wages. However, after lapse of 22 years, there is no possible for reinstate them with the petitioner management. In order to strike out the balance between the petitioner Management and the first respondent in both the cases, this Court is inclined to enhance the compensation to the respective first respondent.

9. In respect of W.P.No.4670 of 2012, the first respondent has employed with the petitioner management for three years and in respect of W.P.No.4671 of 2012, the first respondent has employed with the petitioner management for



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twelve years. Therefore, this Court fixes the compensation to the first

respondent in W.P.No.4670 of 2012 at Rs.1,00,000/- and the first respondent in

W.P.no.4671 of 2012 at Rs.2,00,000/- as full quit. The petitioner Management

is directed to deposit the afore said amount before the Labour Court in the credit

in ID. Nos.119 of 2007 and 67 of 2007 within a period of four weeks from the

date of receipt of a copy of this order. Upon receipt of same, the first

respondents are entitled to withdraw the same.

10. With the above modification, these writ petitions are disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous

petitions are closed.

07.02.2025

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

To

1. The Presiding Officer
Principal Labour Court
Vellore, Vellore District.



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M.DHANDAPANI, J.

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