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W.P.No.10154 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.10154 of 2019
and
W.M.P.No.10713 of 2019

M/s.Consolidated Construction Consortium Limited,
Rep. by its Managing Director, Mr.S.Sivaramakrishnan,
No.5, 2nd Link Road, CIT Colony,
Mylapore,
Chennai – 600 007. ... Petitioner

Vs.

Ankur Singhi ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the order passed in C.P.No.171 of 2018 dated 27.12.2018 on the file of learned 1st Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.S.Karthikei Balan

For Respondent : Mr.S.Ravi

ORDER

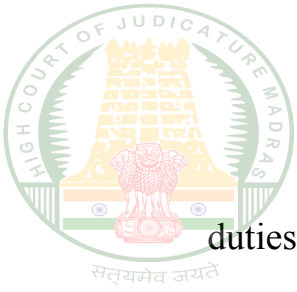


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Feeling aggrieved by the order passed by the I Additional Labour

Court, Chennai in C.P.No.171 of 2018, dated 27.12.2018, the present writ petition has been filed.

2. The respondent filed an application u/s 33 (C)(2) of the Industrial Disputes Act, 1947 (in short 'the Act') before the labour court seeking to direct the petitioner to pay the salary for the period from 01.12.2014 to 27.12.2014, earned leave wages and other wages payable to him. The respondent was employed with the petitioner on 08.08.2011 as a Planning Engineer and later, he was promoted as Business Development Executive. He resigned from his job on 24.11.2014 and the same was accepted by the petitioner on 25.11.2014. He was accordingly relieved from job on 27.12.2014. Contending that the management has failed to pay his dues, the respondent called upon the petitioner to settle the amount. He had also sent a legal notice dated 04.10.2016 in this regard. Since no money was forthcoming the respondent filed a computation petition in C.P.No.171 of 2018 seeking Rs.1,08,469/-. The petitioner took a stand that the respondent cannot be termed as workman and the very claim petition was not maintainable. According to the petitioner, the respondent was discharging managerial and supervisory



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duties and therefore, he cannot be termed as a workman. The labour court on appreciation of materials before it came to the conclusion that the respondent was indeed a workman and allowed the petition, directing the petitioner to pay a sum of Rs.1,08,469/- to the respondent. Challenging the same, the present writ petition has been filed.

3. Though the learned counsel appearing for the parties placed their respective arguments, considering the fact that the issue lies on a narrow compass, this Court is not inclined to discuss the same.

4. The only issue to be decided is whether the respondent could be termed as a workman. The labour court has placed reliance on Ex.P.1, the appointment order issued to the respondent. The petitioner had stated the duties and responsibilities of the respondent. Such duties were only technical and operational and therefore, the labour court held that the respondent was not discharging managerial or supervisory work and he was only doing the job of a workman. Therefore, the labour court rejected the contention of the petitioner that the claim petition was not maintainable.



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5. The petitioner have also not convincingly proved that the respondent discharging his duties as a manager. Though the petitioner has marked four documents, those documents do not show that the respondent was discharging his duties as manager. This Court is in complete agreement with the decision arrived by the labour court and hence, this Court is not inclined to interfere with the order passed by the labour court.

6. Accordingly, this Writ Petition is dismissed and the order dated 27.12.2018 passed by the I Additional Labour Court, Chennai in C.P.No.171 of 2018 is confirmed. The petitioner is directed to pay Rs.1,08,469/- as ordered by the labour court to the respondent, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected writ miscellaneous petition is closed.

02.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To
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The I Additional Labour Court, Chennai.



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M.DHANDAPANI, J.

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