



WEB COPY

WP No. 9921 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 9921 of 2019

AND WMP NO. 10508 & 10506 OF 2019

1. J.Babu

S/o. M.T.joy, Stanmore Garden

Hospital, Stanmore estate, vaiparai- 642

127 Chennai

Petitioner(s)

Vs

1. The Management

Stanmore Estate. M/s. Tea Estate India

Ltd., Valparai.Chennai

Respondent(s)

PRAYER: This petition is filed under Section 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Award dated 17.09.2018 passed by the Additional Labour Court, Coimbatore in I.D. No.84/2012 and communicated to the petitioner by the Assistant Labour Commissioner (conciliation-3), Coimbatore -18 by his letter dated 28.12.2018 and quash the same.



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For Petitioner(s): MR. V.AJOY KHOSE,
For Respondent(s): MR. A. THIYAGARAJAN
SR. COUNSEL FOR
M/S.R.ASHRAF KHAN

ORDER

This petition has been filed seeking to quash the impugned order passed by the Additional Labour Court, Coimbatore in ID No.84 of 2012 dated 17.09.2018 whereby the Labour Court refused the prayer made by the petitioner for reinstating him in service with continuity of service, backwagges and other attendant benefits.

2. The petitioner was employed as Ambulance driver in the respondent Estate. More precisely, he was working for Stanmore Garden Hospital w.e.f. 02.10.1995. While so, on 28.12.2007, he was transferred from the said hospital to Stanmore Group Central Stores. According to the petitioner, when he reported for duty in the transferred place, he was made to do the manual work of loading and unloading. He was denied a job of a driver. From 30.12.2007, the petitioner did not report for duty and rather sent a letter along with medical certificate seeking two months sick leave from 18.05.2008 to 13.07.2008. Even thereafter, the petitioner was not regular in attending duties. The petitioner raised an industrial dispute claiming that he was orally terminated from service and therefore, the respondent should be directed to reinstate him with continuity of service and backwages. The learned Labour Court on an analysing the

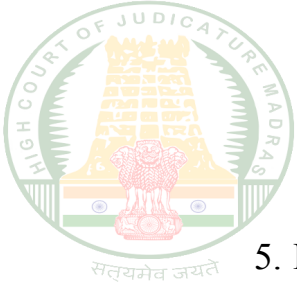


materials available on record, at length, negated a prayer sought for by the petitioner. Challenging the same, the present writ petition has been filed.

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3. On a careful perusal of the impugned order and after hearing the arguments advanced on the both sides, this Court is of the view that the impugned order does not require any interference. The main contention of the petitioner is that he was transferred from the hospital to central stores. However, Clause 14 of the Standing Orders of the respondent clearly states that all workmen are liable to be transferred within the same estate from one job to another. Though the petitioner has raised a contention that he was targeted in because of his involvement in trade union activities and he has not substantiated the same allegation with proof.

4. On of the main reasons, that weighed with the Labour court for dismissing the industrial dispute on the ground of limitation. According to the petitioner, he was orally terminated on 29.12.2007. He raised an Industrial Dispute before the Additional Labour Commissioner only on 03.12.2010 exactly three years later. Failure report was given on 07.02.2011. After waiting for one year, the petitioner filed the present industrial dispute before the Labour Court on 26.04.2012. As per Section 2(a) of the Industrial Disputes Act, an Industrial dispute should have been raised before expiry of three years. The present ID has been filed after 4 ½ years of the alleged oral termination. The petitioner has not given valid reasons for the huge delay.



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5. Moreover, the allegation made by the petitioner against the respondent is also not worth and is also not meritorious. According to the petitioner, he was employed as a Driver; however, he was made to do manual work from loading and unloading in Central Stores. As rightly observed by the trial Court, salary for a driver is more than an ordinary worker. No organisation will ever pay more salary to a person and extract less work from him. The allegation made by the petitioner is that he was directed to manual work is not substantiated, other hand, self serving evidence given by him before the Labour Court. This Court is completely convinced the reasons assigned by the Labour Court by dismissing the industrial dispute.

6. In the result, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Additional Labour Court, Coimbatore.



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