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W.A.No.1742 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER**

**W.A.No.1742 of 2025
and
C.M.P.No.13306 of 2025**

RPG Life Science Limited,
RPG House, 463,
Dr. Annie Besant Road,
WORLI, Mumbai – 400 030.

... Appellant

Vs.

1.M.Venkatasubramaniam

2.The Presiding Officer,
Labour Court,
Vellore.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 22.01.2025 in W.P.No.8470 of 2010.

For Appellant : Mr.Anand Gopalan
for M/s.Agam Legal Advocates

For Respondents : Mr.K.Elango



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J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The Management is on appeal against the order of the writ Court made in W.P.No.8470 of 2010 dated 22.01.2025.

2. An industrial dispute was raised by the 1st respondent contending that his termination is illegal. The Management resisted the claim contending that the employee is not a workman as defined under Section 2(s) of the Industrial Disputes Act, 1947 and therefore the very industrial dispute is not maintainable. It was also contended that the labour Court has no territorial jurisdiction and that the termination is justified.

3. The labour Court framed three issues. They are

- 1)Whether the labour Court has got territorial jurisdiction to entertain the industrial dispute?
- 2)Whether the employee is a workmen as defined under Section 2(s) of the Industrial Disputes Act, 1947?
- 3)Whether the employee is entitled to reinstatement with continuity of



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service and back wages?

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4. The labour Court decided issue No.1 in favour of the employee.

As regards issue No.2, the labour Court concluded that the employee is not a workman as defined under Section 2(s) of the Industrial Disputes Act. On reaching the said conclusion, the labour Court dismissed the industrial dispute without going into the third issue.

5. Upon challenge by the employee, the writ Court concluded that the employee is a workman under Section 2(s) of the Industrial Disputes Act. The writ Court also went into the merits of the matter and concluded that the termination is illegal, directed that he should be treated as having been in service till he attained the age of superannuation and also directed payment of 75% back wages. Aggrieved the Management is on appeal.

6. Mr.Anand Gopalan, learned counsel appearing for the appellant Management would submit that the issue as to whether a medical representative is a workman or not is still un-settled. However, he does not want to argue that issue. He would submit that the writ Court upon finding



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that the employee is a workman under Section 2(s) of the Industrial Disputes

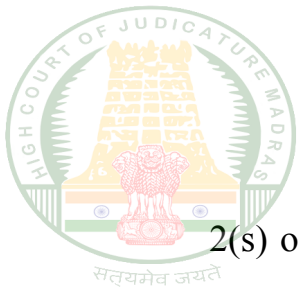
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Act should have remitted the matter to the labour Court for decision on merit on the third issue. Exercising jurisdiction under Article 226 of the Constitution of India, the writ Court ought not to have gone into the evidence and pronounced upon it.

7. Mr.K.Elango, learned counsel appearing for the 1st respondent would submit that the writ Court had only taken into account the circumstances under which the removal happened and had directed reinstatement. The writ Court had also taken into account the fact that the employee had attained the age of superannuation at the relevant point of time. He would therefore submit that the order of the writ Court does not call for interference on our hands.

8. We have considered the rival submissions.

9. Admittedly, the labour Court did not go into the correctness of the termination. It left the issue relating to termination undecided because of its conclusion that the employee is not a workman as defined under Section



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2(s) of the Industrial Disputes Act, 1947. Once the writ Court reverses the findings of the labour Court on the status of the workman, the parties would be entitled to go before the labour Court for a decision on merits. The constitutional Court exercising jurisdiction under Article 226 seldom pronounces on the evidence particularly when the labour court has not gone in to it. The labour Court has not decided the issue and had left it open. The writ Court in our considered opinion ought not to have gone into the question of legality of termination, since the said issue was not decided by the labour Court.

10. We are therefore unable to sustain the conclusion of the writ Court on the issue relating to reinstatement. Hence, the order of the writ Court is set aside only to that extent. The matter is remitted to the labour Court. We make it clear that we sustain the finding of the writ Court on the status of the employee. The labour Court will only go into the issue relating to non-employment viz., issue No.3 framed by it and pronounce upon it within a period of three (3) months from the date of receipt of the records from this Court. Both the parties will be permitted to let in evidence if they choose to.



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11. This Writ Appeal stands allowed to the extent indicated above.

No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.S.,J.)
07.07.2025

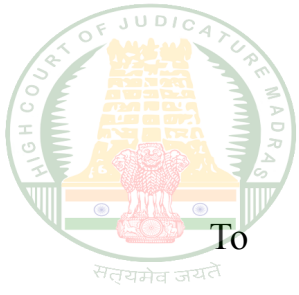
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Speaking order



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To

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The Presiding Officer,
Labour Court,
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and
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