



W.P.Nos.13981 & 13984 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.13981 & 13984 of 2018

and

**W.M.P.Nos.16514 & 16517 of 2018 and 22504 of 2019, 32142 and
32134 of 2022 & 32327 and 32331 of 2023**

Management,
M/s.Ravindra Security Pvt. Ltd.,
Sreeyas Veerath, 2nd Floor,
No.26, Old No.13/14,
3rd Cross Street, R.A. Puram,
Chennai – 600 028.

... Petitioner in both WPs

Vs.

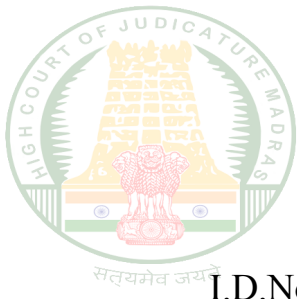
1.R.Vasudevan ... 1st Respondent in W.P.No.13981 of 2018

2.P.Andavan ... 1st Respondent in W.P.No.13984 of 2018

3.The Principal Labour Court,
City Civil Court Buildings,
High Court Campus,
Chennai – 600 104.

... 2nd Respondents in both WPs

Prayer in W.P.No.13981 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records culminating in the impugned award dated 24.07.2017 in



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I.D.No.199 of 2012 passed by the Principal Labour Court, Chennai and quash the same.

Prayer in W.P.No.13984 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records culminating in the impugned award dated 24.07.2017 in I.D.No.186 of 2012 passed by the Principal Labour Court, Chennai and quash the same.

For Petitioner : Mr.P.Raghunathan
(in both WPs) for M/s.T.S.Gopalan & Co.
For R1 in both WPs : Mr.S.Ravi

For R2 in both WPs Labour Court

COMMON ORDER

These Writ Petitions have been filed by the petitioner seeking for issuance of a Writ of Certiorari, to call for the records culminating in the impugned awards dated 24.07.2017 in I.D.Nos.199 and 186 of 2012 passed by the Principal Labour Court, Chennai and quash the same.

2. The case of the petitioner is that it is a company engaged in the business of providing security services including supply of security manpower to various commercial and manufacturing establishments. The



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respective first respondent were working in the petitioner company as a security guard as contract labour. Whiles, they failed to report for duty. The petitioner has not terminated the respective first respondent as alleged and the petitioner company has never refused to employ them. In the mean, the petitioner came to know that the respective first respondent and his friends are working for gain in 'Positive Force' a company engaged in security service. When the respective first respondent tendered their resignation, the petitioner had directed them to handover all the materials belonging to the company. However, they have raised disputes before the labour court u/s 2(A)(2) of the Industrial Disputes Act, 1947 (in short 'the ID Act') in I.D.Nos.199 and 186 of 2012 alleging that they were orally terminated by the petitioner company on 11.01.2012 and the labour court, vide impugned order dated 24.07.2017, directed the petitioner to reinstate the respective first respondent with backwages, continuity of service and other benefits. Challenging the same, the present writ petitions have been filed.

3. When these matters are taken up for hearing today, learned counsel appearing for the petitioner/management submitted that during



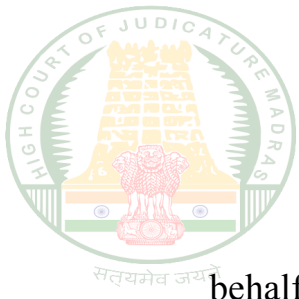
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the non-employment, the first respondent in W.P.No.13981 of 2018 was employed with M/s.Hotel Saravana Bhavan and the first respondent in W.P.No.13983 of 2018 was employed with M/s.SBD Security Services Pvt. Ltd., thereby they are not entitled to any backwages. However, learned counsel, on instructions, submitted that, the petitioner management is ready to reinstate the respective first respondent/workmen into service in and around Chennai.

4. Learned counsel appearing for the respective first respondent fairly submits that the respective first respondent has no serious objection to join duty under the petitioner/management as offered by the petitioner/management. Further, he submitted that for the livelihood, the respective first respondent employed elsewhere during the period of non-employment and on that basis, backwages cannot be denied. Accordingly, he prays for appropriate orders.

5. Considering the facts that the petitioner management has proved that the respective first respondent/workmen were gainfully employed during the period of non-employment by way of the memo filed on



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behalf of the EPFO Chennai Zone dated 31.03.2025, this Court is not inclined to grant any backwages to the respective first respondent/workmen. However, in order to strike balance in between the parties, the petitioner/management is directed to reinstate the respective first respondent/workmen into service in and around Chennai, without backwages, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, these Writ Petitions are disposed of in the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

03.04.2025
(2/5)

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

To

The Principal Labour Court,
City Civil Court Buildings,
High Court Campus,
Chennai – 600 104.



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M.DHANDAPANI, J.

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