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W.P.No.13165 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.07.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.13165 of 2024
and W.M.P.No.14308 of 2024

J. Muthukumar

... Petitioner

VS-

The Management,
Amman Garments,
Rep By S. Kanakaraj,
Triuppur – 641 602.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in I.D. No. 85 of 2022 before the Additional Labour Court, Coimbatore, dated 06.12.2023 quash the same consequently direct the Respondent to reinstate the petitioner with full back wages from the date of termination (18.09.2021) till the date of reinstatement along with interest.

For Petitioner
For Respondent

: Mr. C. Vigneswaran
: Mr. R. Muruga Bharathi



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ORDER

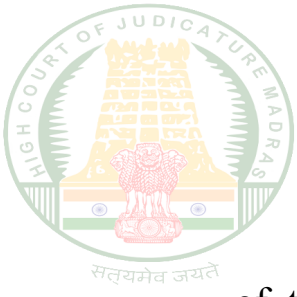
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Challenging the Award passed in I.D.No.85 of 2022 by the Additional Labour Court, Coimbatore, the workman has invoked the jurisdiction of this Court under Article 226 of the constitution of India.

2. The facts are briefly set out herein below:

(i) The petitioner was employed under the respondent who was a manufacturer of garments. The petitioner had originally worked in its sister concern, namely Devadarshini Garments from 06.01.2015 to 06.05.2018. At that point in time, he was deployed to work under the respondent and joined duty as a cutting in-charge in the month of January 2015.

(ii) It is the contention of the petitioner that both concerns functioned in the same building with the same address. The petitioner has been working under the respondent since 07.05.2018 permanently in the capacity of a permanent worker. His last drawn monthly salary was a sum of Rs.22,000/-. He would submit that he was sincerely discharging his duties to the respondent-Company.



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(iii) While so, the owner of the building situated opposite to that of the respondent's office caused a public nuisance by dumping the building waste and soil, thereby encroaching the road. The petitioner had given a complaint to the Tiruppur Corporation on 16.09.2021 in public interest. Enraged by the above, the said building owner has assaulted the petitioner on 17.09.2021 when he reported for duty. He was attacked with a crowbar and assaulted on his neck, chest etc., The proprietor of the respondent-concern and his co-employees rescued the petitioner. The petitioner thereafter preferred a police complaint before the Tirupur North Police Station. This action did not find favour with his employee, namely the Proprietor of the respondent concern. Therefore, he refused to allocate work to the petitioner from 18.09.2021.

(iv) The petitioner tried to negotiate settlement through the Trade Union which was unsuccessful and therefore, he raised an industrial dispute before the Conciliation Officer, Tiruppur in Na.Ka.No.462/2021 under Section 2A(1) of the Industrial Dispute Act. The conciliation proceedings had ended in a failure and the Conciliation Officer had submitted a Failure report dated 04.05.2022.



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(v). The petitioner would submit that he has completed 240 days of service for every calender year. He and his family are now suffering penury. Therefore, he is entitled to reinstatement in service with full back wages and attendant benefits. Hence, the petitioner had filed I.D.No.85 of 2022 under Section 2A (2) of the Industrial Disputes Act.

3. The respondent had filed a counter *inter-alia* contending that the respondent was carrying on business with help of his family members as a cottage industry and that the petitioner was not employed permanently, The respondent would submit that the petitioner was employed as a casual labourer and was engaged purely on need basis. He was assigned work on a piece rate basis and consequently, the payment was also on a piece rate basis. The respondent would deny that the petitioner had worked continuously for 240 days for every calender year. He would further submit that that the petitioner was not engaged in any perennial nature of work and the business operation was only based on the orders. Therefore, the respondent sought for dismissal of I.D.



4. The petitioner had examined himself as W.W.1 and marked Exs.W1to W10. On the side of the respondent, neither was there oral evidence nor were documents marked.

5. The Labour Court had framed the following points for determination:

i) Whether the service of the petitioner is permanent in nature?

ii)Whether the petitioner was orally terminated on 18.09.2021 as alleged?

iii)Whether the petitioner is entitled to reinstatement of service as prayed for?

iv)Whether the petitioner is entitle to full back wages with other attendant benefits as prayed for?

v)To what other reliefs, the parties are entitled?

The Labour Court answered point Nos.1 and 2 in favour of the petitioner. However, with reference to point Nos 3 to 5, the Labour Court adopted a novel reasoning to reject the claim stating that the



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reinstatement would not serve any purpose because there was a strained relationship between the petitioner and the respondent and other neighbours of the Company following the criminal case. Such reasoning was given after the Labour Court had found that the termination was bad and the same is liable to be set aside. Challenging the said order, the petitioner is before this Court.

6. The respondent has filed a counter in this writ petition reiterating the reasoning of the Labour Court without addressing the grounds raised by the petitioner.

7. Having heard the learned counsel on either side and perused the records, it is seen that the respondent-Company has not challenged the findings of the Tribunal that the petitioner was a permanent employee and that his termination was illegal. The reasoning that has been adopted by the Tribunal below is rather surprising when it was the case of nobody that there is a strained relationship. Further, this allegation has not been proved by the respondent either by let in evidence or by producing the documentary evidence. Therefore, the reasoning of the



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learned Judge in rejecting the request for reinstatement with continuity of service and back wages cannot be sustained and the order dated 06.12.2023 is hereby set aside. Accordingly, the writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

07.07.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

The Additional Labour Court, Coimbatore



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P.T.ASHA, J.,

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