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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

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THE HON'BLE Mr. JUSTICE M.DHANDAPANI

**W.P. No. 13729 of 2020 & 6105 of 2022
and WMP. No.17069 of 2020**

The Management of MRF Limited,
Rep. By its General Manager
C.John Daniel,
Arakkonam, Tiruttani Main Road,
Ichiputhur, Arakonam Taluk,
Vellore District.

... Petitioner in W.P.no.13729 of 2020
and the respondent in W.P.No.6105 of 2022

-vs-

N.Ramathilagam

... Respondents in W.P.No.13729 of 2020 and
the petitioner in W.P.no.6105 of 2022

Prayer in W.P.No.13729 of 2020:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records of the Principal Labour Court, Vellore in ID No.12 of 2005 and quash its award dated 17.10.2019.

Prayer in W.P.No.6105 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records of the Principal Labour Court, Vellore in connection with the award pronounced in ID No.12 of 2005 dated 17.10.2019 and quash the same in so far as denial of back wages and other attendant benefits to the petitioner and direct the respondent management to give full back wages with other attendant benefits during the period of non employment of the petitioner.



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In W.P.No.13729 of 2020:

For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge

For Respondent : Mr.V.Prakash, Sr.C.
For M/s.T.Ramkumar

In W.P.No.6105 of 2022:

For Petitioner : Mr.V.Prakash, Sr.C.
For M/s.T.Ramkumar

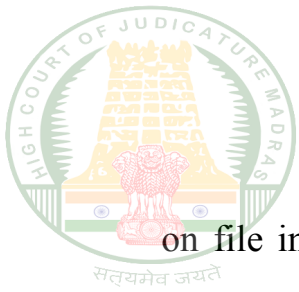
For Respondent : Mr.M.Vijayan
for M/s.King and Partridge

COMMON ORDER

Since the issue involved in both the cases are one and the same, the same are disposed of by way of this common order. For the sake of convenience, the parties are referred to as the management and the workmen.

2. Challenging the order passed by the labour Court, dated 17.10.2019, these petitions have been filed the present writ petition.

3. It is the case of the workman that he has joined in the Management on 02.11.1991 on daily wage basis. After conducting enquiry, the management has terminated the service of the workman in the year 2002 for his unauthorized absent during the year 2002. Against the order of dismissal, the workman raised an industrial dispute before the Labour Court, Vellore and the same was taken



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on file in ID. No.12/2005. The Labour Court vide its order dated 17.10.2019

ordered for reinstatement in service with continuity of service without any backwages. Challenging the said order, the Management and the workman has filed separate writ petitions before this Court.

4. The learned counsel for the Management submitted that the workman joined the service with the management on 02.01.1994 and he was confirmed in the service on 02.07.1996. He used to remain absent from his service unauthorizedly very frequently resulting in loss of production, for which, he was warned and suspended several times. To prove the same, the Management has filed certain documentary evidences before the labour Court. Without considering the same, the Labour Court ordered for reinstatement, which is not sustainable. Therefore, the learned counsel prays to set aside the impugned order by allowing its writ petition.

5. The learned counsel for the workman submitted that in the charge sheet, there is a vague allegation made as against the workman that he has unauthorizedly absented from work. Without giving any specific details about the dates on which the workman was allegedly absented from duty. Even before the Labour Court, the Management has not given any details about the dates the



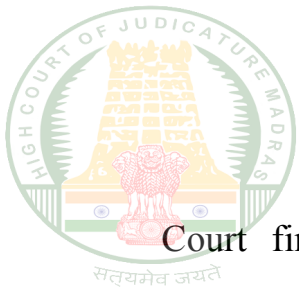
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petitioner absented from duty as alleged in the charge sheet. In the above circumstances, the decision taken by the Labour Court in depriving the workman of backwages and other attendant benefits for the entire period of non employment for about 18 years is highly unreasonable and unjustified. The workman has not been gainfully employed. The respondent Management does not deny this. Under these circumstances, denial of backwages is not a fair exercise of discretion. Hence, this Court may set aside the impugned order by allowing his writ petition.

6. Heard the learned counsel for the Management and the learned counsel for the workman and perused the materials placed on record, apart from the pleadings of the parties.

7. Admittedly, the workman has joined duty in the Management on 02.11.1991 on daily wages basis and subsequently, he was regularised. For unauthorized absent on many occasions, the Management terminated the workman from service after following due procedures on 19.03.2002. The workman raised an industrial dispute.

8. This court perused the impugned order. On perusal of the same, this



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Court finds that the award passed by the Labour Court is cogent and convincing. According to the management, the workman was unauthorizedly absent for more number of days. However, the workman has denied the said allegation. The Management has produced the documents viz., Ex.W15 to W19 and proved that the workman has frequently absented. Hence, considering the above facts, it is decided by the Labour Court that the workman is not entitled to any backwages and attendant benefits.

9. The Labour Court has held that mere filing of documents does not carry any credential value unless they are corroborated by examination of witnesses. This Court is in complete agreement that the finding arrived at by the Labour Court . The Labour Court has ordered for reinstate the workman in service with continuity of service without any back wages and attendant benefits. The said finding does not require any interference.

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

23.04.2025

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M.DHANDAPANI, J.

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Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

To

1. The Principal Labour Court, Vellore

W.P. No. 13729 of 2020 & 6105 of 2022

Dated : 23.04.2025