



WEB COPY

WP No. 6226 of 2014



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 6226 of 2014

AND

WP NO. 3840 OF 2014, WP NO. 28947 OF 2011, WP NO. 34730 OF 2015

and

W.M.P.Nos.1 of 2011, 1 + 1 of 2014 +1 of 2015

W.P.No.6226 of 2014

The Management Of Sanco
Transports Ltd., No.19, Moore Street,
Mannady, Chennai 600 001

Petitioner(s)

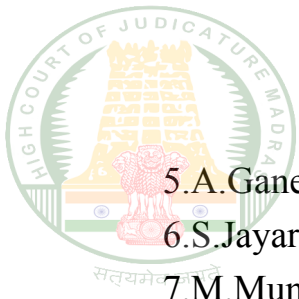
Vs

1. The Presiding Officer
Third Additional Labour Court, City
Civil Court Building,
Chennai.

2.The Management Of Steel
Authority Of India, Rep By Its
Regional Manager, No.2,
Kodambakkam High Road, Chennai –
600 034

3.L. Govindaraj

4.C.Anthony



5.A.Ganesan

6.S.Jayaraman

7.M.Munusamy

8.N.Ekambaram

9.S.Elumalai

10.A.Palani

11.G.Subramani

12.K.Parasuraman

13.R.Periasami

14.S.Veerappan

15.S.Ganesan

16.A.Selvam

17.P.Adhikesavan

18.K.Doss

19.R.Elumalai

20.A.Doss

21.E.Basuludeen

22.G.Perumal

23.C.Balan

24.S.Perumal

25.P.Lakshmanan

26.M.Ulaganathan

M.Subramani (Deceased)

27.S.Angammal

28.S.Munusamy

29.S.Rajewswari

30.S.Neelakandan

31.S. Jayalakshmi

M.Thiruvengadam (deceased)

32.T.Kaliammal

33.T.Rangarajan

34.T.Rajeswari

35.T.Dhanakshmi

36.T.Umadevi



37.S.Sathya

WP No. 6226 of 2014



WEB COPY

WP No. 3840 of 2014

1. The Management Of Sanco
Transports Ltd., No.19, Moore St,
Mannady, Chennai 600 001.

Respondent(s)

Petitioner(s)

Vs

1. The Presiding Officer
Second Additional Labour Court, City
Civil Court Building, Chennai
- 2.The Management Of Steel
Authority Of India, Rep By Its
Regional Manager, No.2,
Kodambakkam High Road, Chennai 34
V.Munusamy (Died)
- 3.Tmt.A. Sakunthala
- 4.Tmt.D.Jayanthi
- 5.M. Shananthini
- 6.M.Shyamala
- 7.M.Surendhar
- 8.R. Munusamy
- 9.R.Rajendran
- 10.R.Ponnan
- 11.S.Sengole
- 12.V.Arumugam
- 13.K.Babu
- 14.V.Amavasai
- 15.N.Krishnan
- 16.K.Srinivasan
- 17.N.Arumugam



- 18.B.Selvam
19.S. Rajarathinam
20.D.Krishnan
21.E. Veeramuthu
22.G.Shanmugam
23.M.Raji
24.G.Munusamy
25.M.Neelakandan
26.G.Ganesan
27.K.V.Purushothaman
28.B.Raji
29.S.Raji
30.S.Kuppan
31.G.Narayanarao
32.A.Sundaram
33.B.Rajendran
34.R.Anbu
35.D.Krishnan
36.S.Sadhasivam
37.Sevathiane

Respondent(s)

WP No. 28947 of 2011

1. The Management Of
Sanco Transports Ltd., No.19, Moore
Street, Mannady, Chennai-1.

Petitioner(s)

Vs

1. The Presiding Officer,
First Additional Labour Court, City Civil
Court Building, Chennai-104.
2.P.Durairaj,
3.The Management Of Steel
Authority Of India, Represented By Its



Regional Manager, No.2, Kodambakkam
High Road, Chennai-600 034.

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WP No. 34730 of 2015

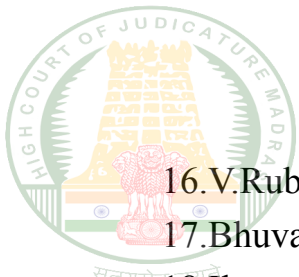
1. The Management of
Sanco Transport Ltd., No.19, Moore
Street, Mannady, Chennai 600 001

Respondent(s)

Petitioner(s)

Vs

1. The Presiding Officer
Second Additional Labour Court, City
Civil Court Building, Chennai
- 2.The Management of Steel
Authority of India, rep. by its Regional
Manager, No.2, Kodambakkam High
Road, Chennai-34
- 3.K.Emross
- 4.K.Selvakumar
- 5.K.Gnanavel
- 6.Munirathinam
- 7.Smt.M.Chandra
- 8.Smt.N.Velu
- 9.Smt.M.Rajathi
- 10.Smt.M.Lakshmi
- 11.Smt.M.Shanthi
- 12.Smt.S.Maria
- 13.Selvi.S.Janifer
- 14.S.Xavier
- (13 and 14 are minors rep. by their
mother and Natural Guardian
Smt.S.Maria, the 12th Respondent)
- 15.A.Veerappan



16.V.Ruby

17.Bhuvaneswari

18.Ilango

19.Lakshmanan

20.Devi

21.Geetha

22.N.Iyyanar

23.Smt.Ellammal

24.Sekar

25.Chellamuthu

26.Smt.Jayalakshmi

27.K.Narasimhan

Respondent(s)

WP No. 6226 of 2014

PRAYER

calling for the records of the 1st respondent relating to the Common Award dt 11.12.2013 made in I.D. Nos. 295 to 319 of 2000 and I.D. Nos.65 and 66 of 2000 and quash the same as devoid of merits.

WP No. 3840 of 2014

PRAYER

calling for the records of the 1st respondent relating to the Common Award dt 30.9.2013 made in I.D. Nos. 774 to 784 of 1998, 786 to 790 of 1998, 792, 793, 797, 799, 800 to 808 of 1998, 337 and 338 of 2000 and quash the same as devoid of merits.

WP No. 28947 of 2011

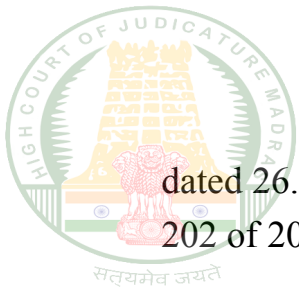
PRAYER

Calling for the records of the First Respondent relating to the Award dated 15.06.2011 made in I.D.No.897 of 1998 and quash the same as devoid of merits.

WP No. 34730 of 2015

PRAYER

calling for the records of the 1st respondent relating to the Common Award



dated 26.6.2015 made in I.D.Nos.785, 791, 794, 795, 796, 798, 809 of 1998 and 202 of 2002 and quash the same as devoid of merits.

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WP No. 6226 of 2014

For Petitioner(s): M/s.A.S.Ranganathan For
A.S.Thambuswamy

For Respondent(s): M/s.S.Ravi For R3 to R37
R1 Labour Court
No appearance for R2

WP No. 3840 of 2014

For Petitioner(s): M/s.A.S.Ranganathan For
A.S.Thambuswamy

For Respondent(s): M/s.S.Ravi R3 to R37
R1 Labour Court
M/s.Sanjay Mohan for
M/s.Ramasubramaniam &
Associates for R2

WP No. 34370 of 2015

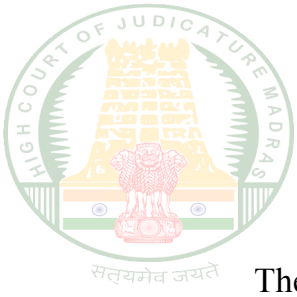
For Petitioner(s): M/s.A.S.Ranganathan For
A.S.Thambuswamy

For Respondent(s): M/s.S.Ravi R3 to R27
R1 Labour Court
No appearance for R2

WP No. 28947 of 2011

For Petitioner(s): M/s.A.S.Ranganathan For
A.S.Thambuswamy

For Respondent(s): M/s.Sanjay Mohan for
M/s.S.Ramasubramaniam &
Associates for R3



ORDER

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These writ petitions are filed challenging the correctness and liability of the award passed by the Labour Court directing the petitioner to pay sum ranging between Rs.40,000/- and Rs.50,000/- to the workers – respondents.

2. The issue involved in these writ petitions is one and the same. Therefore, they are disposed of by way of this common order.

3. The petitioner is a public limited company carrying on business in handling of cargo inside and outside the harbour at Chennai port. Petitioner was the successful bidder of the tender called for by the Steel Authority of India and obtained the contract to load, unload and transport the cargo kept in the steel yard of Steel Authority of India on agreed terms and conditions. To carry out the tender work, the petitioner engaged the services of workers through the workers' union. All benefits including the payment of wages and other benefits payable to the workmen for loading, unloading and transporting the cargo was based as per the settlement under Section 18(1) of the I.D. Act.

4. It is the case of the petitioner that from 1985, the second respondent



stopped its import of steel, and therefore, the petitioner could not provide employment to the workmen. Subsequently, Steel Authority of India imported coal for a short period and the petitioner engaged the workmen by entering into a settlement with the union on 31.01.1989 for six months.

5. Steel Authority of India closed down its steel yard inside the harbour and did not give any further work to the petitioner from 1992. The petitioner was paying wages to the workmen attendance wages till 31.03.1992, till the date of 18(1) settlement was in force.

6. Since the petitioner was not given any work by Steel Authority of India, the petitioner could in turn not give work to the workmen.

7. After a gap of eight years, the workmen raised an industrial dispute before the conciliation officer. The said officer submitted a failure report. Thereafter, the workmen approached the Labour Court by filing individual disputes.



8. The petitioner and Steel Authority of India filed their counter-affidavits. The petitioner took a stand that they employ workers only through workers' union and the terms and conditions of the workers are governed by the agreement entered with the union and the arrangement would come to an end at the end of the settlement and there would no longer be employer-employee relationship between the petitioner and the workmen.

9. Before the Labour Court, both sides let in oral evidence and marked documents to substantiate their case.

10. On an analysis of evidence let in, the Labour Court directed the petitioner to pay a sum ranging between Rs.40,000/- and Rs.50,000/- to the workmen. Challenging the said award the present writ petitions have been filed.

11. The learned counsel for the petitioner contended that there was a huge delay of eight (8) years in raising ID. There was no employer employee relationship between the petitioner and the workmen at any point of time. The petitioner was only working as a contractor to Steel Authority of India and



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payment was made only from and out of the amount paid by the Steel Authority of India. The amount awarded ranging between Rs.40,000/- and Rs.50,000/- to each of the workman is grossly high. The learned counsel referred to various documents marked on the side of the workman to drive home the point that there was absolutely no relationship of employer employee between the parties at any point of time and relationship was partly contractual in nature. Indeed the petitioner themselves was at the mercy of Steel Authority of India and only when the Steel Authority of India gave them work, they in turn gave work to the workers. Therefore, the observation of the Labour Court that the workmen were employed by the petitioner was not correct. The learned counsel for the workmen, for a start, contended that there was absolutely no delay in raising the industrial dispute.

12. The learned counsel submitted that there was continuous correspondence settlement talks going between the petitioner and the workmen for all these years. Only when the workmen finally understood the ground reality that they are not going to pay any amount by the petitioner, they raised the industrial dispute. The learned counsel further argued that the sum awarded



by the Labour Court is completely justified taken into account the fact that they

were working under the petitioner for almost two decades and in many cases more

than two decades. Therefore, the learned counsel submitted that the award may be

sustained and the writ petition may be dismissed.

13. Heard the learned counsel on either side and perused the materials placed on record.

14. The workmen were employed by the petitioner through workers union. The petitioner was working as contractor for Steel Authority of India. The petitioner was governed by Section 18(1) settlement of Industrial Dispute Act entered into with the workers union. The workers have produced the evidence to show that salary was paid by the petitioner. The long tenure of service of the workmen also stands proved. The Labour Court has analyzed the evidence threadbare and has arrived at a finding that the non-employment of the petitioners are assumed as retrenchment and the petitioner ought to have complied section 25(F) of the Industrial Dispute Act and has accordingly awarded compensation to the workers. The petitioner has failed to convincingly



prove that there existed no employer employee relationship between the parties.

The award of the Labour Court is cogent and convincing and therefore the same

is sustained.

15. In the result, the writ petitions are dismissed and the petitioner is directed to settle the amount as ordered by the Labour Court to the employees who are alive or to the legal heirs of the deceased employees within a period of eight (8) weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed. No costs.

27-02-2025

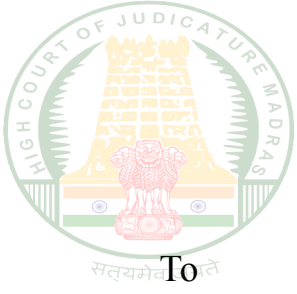
RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
1. The Presiding Officer

Third Additional Labour Court, City
Civil Court Building, Chennai

2. The Regional Manager

The Management Of Steel
Authority Of India, No.2,
Kodambakkam High Road, Chennai 34

3. The Presiding Officer

Second Additional Labour Court, City
Civil Court Building, Chennai

4. The Presiding Officer,

First Additional Labour Court, City
Civil Court Building, Chennai-104.

5. The Presiding Officer

Second Additional Labour Court, City
Civil Court Building, Chennai



WEB COPY

WP No. 6226 of 2014



M.DHANDAPANI J.

RAP

**WP No. 6226 of 2014
AND WP NO. 3840 OF
2014, WP NO. 28947 OF
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