



WP No.5783 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.5783 of 2014

N. Vasudevan

.... Petitioner

Versus

1. The Presiding Officer,
Principal Labour Court,
Vellore.
2. The Management of M.R.F. Ltd.,
Ichiputhur Village & Post,
Arakonam Taluk,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Ceterari to call for the records of the 1st respondent in connection with the common award I.D.No. 146 of 2006 pronounced on 19.01.2012 and quash the same.

For Petitioner : Mr.V.Prakash
Senior Counsel



WEB COPY



WP No.5783 of 2014

For Respondents : Court for R1
Mr.K.Sanjay Mohan for
M/s.S.Ramasubramaniam &
Associates for R2

ORDER

This petition is filed by the petitioner seeking to quash the award dated 19.01.2012 in I.D.No.146 of 2006 on the file of the first respondent herein.

2. The facts leading to filing of this writ petition is stated as follows :

The petitioner was working under the second respondent for more than five years from 17.02.1999 to 29.04.2004. Though the petitioner was subjected to heavy workload than that of the permanent workmen. The petitioner's service was terminated. As against the order of termination, the petitioner raised industrial disputes individually. However, the first respondent, by the impugned award dated 19.01.2012, dismissed the claim made by the petitioner. Challenging the same, the petitioner is before this Court.

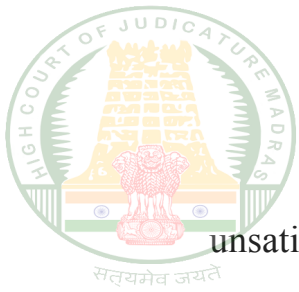


WP No.5783 of 2014

WEB COM

3. The learned Senior counsel for the petitioner submit that admittedly the Labour Court vide Award dated 19.01.2012 directed the 2nd respondent to pay a sum of Rs.25,000/- as compensation to the petitioner / workmen, however the petitioner refused and returned the compensation given by the 2nd respondent. He further submitted that though the work performed by the petitioner was similar to the work as done by the permanent workmen, he was only treated as contract labour and even after completion of nearly three years, he was assigned and designated only as Apprentices is wholly unsustainable. Hence, without appreciating the said facts, the Labour Court dismissed the claim of the petitioner seeking reinstatement and continuity of service and directed the 2nd respondent to pay a sum of Rs.25,000/- to each petitioner cannot be sustained.

4. The learned counsel appearing for the 2nd respondent submits that the petitioner has admitted that he worked under the 2nd respondent management as casual worker and he has not filed a single document to show that he worked continuously for nearly three years during the period he was engaged as casual employee. Moreover, it is the contention of the management that the overall performance of the petitioner was



WP No.5783 of 2014

unsatisfactory to the management and even in the evaluation conducted by the 2nd respondent, the petitioner did not qualify themselves to become permanent workmen was proved and the termination orders passed by the management without holding domestic enquiry, is not in violation of the Act, which was rightly appreciated by the Labour Court and awarded compensation in lieu of reinstatement cannot be interfered with.

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

6. Admittedly, the petitioner in this writ petition was terminated from service during the year 2004. More so, though the Award was passed in the year 2012, the present writ petition has been filed only in the year 2014, which cannot be sustained. Considering the service rendered by the petitioner and the quantum of compensation arrived by the Labour court to the tune of Rs.25,000/- each to the petitioners at a relevant point of time, awarding the very same compensation at this point of time would not be just and reasonable. Hence, this Court is inclined to modify the Award amount fixed by the Additional Labour Court, Vellore in I.D.No.146 of 2006 dated 19.01.2012 as hereunder:



WP No.5783 of 2014

WEB COPY

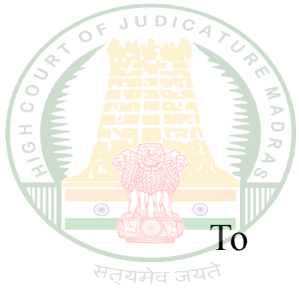
(i) The 2nd respondent / management is directed to pay a sum of

Rs.1,00,000/- to the petitioner to the credit of I.D.No. 146 of 2006 on the file of the Additional Labour Court, Vellore within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioners are directed to withdraw the said amount.

7. With the above direction and observations, this writ petition is disposed of. No costs.

24.02.2025

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsn



WP No.5783 of 2014

WEB COPY

To

1. The Presiding Officer,
Principal Labour Court,
Vellore.
2. The Management of M.R.F. Ltd.,
Ichiputhur Village & Post,
Arakonam Taluk,
Vellore District.



WEB COPY



WP No.5783 of 2014

M.DHANDAPANI, J.

vsn

W.P. No.5783 of 2014

24.02.2025