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W.P.Nos.24887 to 24891 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.24887 to 24891 of 2018

and

WMP.Nos.28930 to 28934 of 2018 and 8737 & 8740 of 2021

The Management of Sripak Logistics (P) Ltd.,
No.48-2, 2nd Floor, Rajaji Road,
Chennai – 600 001.
Rep. by its Executive Director
K.S.Pavan Kumar.
all W.P's.

...Petitioner in

Vs.

G.Vasu
W.P.No.24887 of 2018

...Respondent in

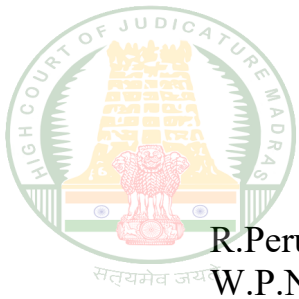
K.Ramar
W.P.No.24888 of 2018

...Respondent in

1. G.Ravi (*Died*)
2. R.Shanthi
3. R.Girija
4. R.Ganga
of 2018

...Respondents in W.P.No.24889

(R2 to R4 substituted as LR's of the
deceased 1st respondent by order dated 24.01.2024
in WMP.No.30629 of 2018 in W.P.No.24889 of 2018)



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R.Perumal
W.P.No.24890 of 2018

...Respondent in

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R.Kamaraj
W.P.No.24891 of 2018

...Respondent in

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records in respect of the impugned order dated 29.06.2018 of the Honourable III Additional Labour Court, Chennai in I.D.Nos.72, 71, 70, 68 & 69 of 2009 respectively and quash the same.

In all W.P's.:

For Petitioner : M/s.P.Subba Reddy

For Respondent(s) : Mr.K.V.Ananthakrushnan

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. For brevity, the petitioner in all these Writ Petitions are hereinafter referred to as the 'management' and the respondent in all these Writ petitions are hereinafter referred to as the 'workmen'. The respondent/workman in W.P.No.24889 of 2018 passed away and his legal



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heirs are brought on record as Respondents 2 to 4 in the said writ petition.

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3. These Writ petitions have been filed seeking quashment of the impugned awards all dated 29.06.2018 made in I.D.Nos.72, 71, 70, 68 & 69 of 2009 respectively on the file of the III Additional Labour Court, Chennai.

4. The short facts necessary for disposal of these Writ petitions are as follows:-

It is the case of the workmen that they joined the services of the management as Drivers on a monthly salary of Rs.800/-, however, they have not been paid with the minimum wages, overtime wages and other welfare benefits and when the same was questioned by them, the management illegally terminated their services, against which the workmen herein raised industrial disputes in I.D.Nos.72, 71, 70, 68 & 69 of 2009 respectively and the III Additional Labour Court, Chennai, vide impugned awards all dated 29.06.2018 ordered for compensation to the tune of Rs.1,20,000/-, Rs.1,50,000/-, Rs.1,50,000/-, Rs.1,00,000/- and Rs.1,70,000/- respectively in favour of the respective workmen. Challenging the same, the management has come up with these Writ petitions.



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5. Learned counsel appearing for the management submitted that there is no employer-employee relationship between the management and the workmen herein. The workmen herein are not permanent employees and though their names are found in the Drivers list maintained by the management, they have been engaged temporarily whenever necessity arises on contractual basis and after completion of their assignment, they will be paid 10% of the freight charges. While so, alleging that they were in continuous employment of the management as drivers, the workmen raised the present disputes and the Labour Court, without considering the fact that the workmen have miserably failed to establish the fact that they were permanent employees of the management, ordered for compensation in favour of the respective workmen, which is wholly unsustainable. Accordingly, he prayed for appropriate orders.

6. Per contra, the learned counsel appearing on behalf of the workmen submitted that there is no evidence adduced by the Management before the Labour Court, denying the employment and the documents



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relating to engagement of Labourers/employees, which are in the custody of the Management were not produced before the Labour Court to substantiate that the workmen were not the employees of the Management and therefore, the Labour Court considered the evidence of the workmen and drawn adverse inference against the Management for non-production of oral and documentary evidence and came to the conclusion that the workmen herein are the employees of the Management and ultimately held that the termination of their services is illegal and ordered compensation in lieu of reinstatement, which cannot be said to be erroneous. Accordingly, he prayed for dismissal of these Writ petitions.

7. Heard the learned counsel for the parties and perused the materials available on record.

8. A perusal of the impugned order passed by the Labour Court reveals that no documentary evidence was marked either on the side of the Workmen or the Management with regard to appointment of the workmen as drivers and with regard to payment of salary @ Rs.800/- per month by way of payslips. Even in the reply statement filed by the Management before the



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conciliation proceedings, the Management has never raised the pleading that the workmen are not their employees and they are only contract labourers, but on the other hand, they never denied the service of the workmen under them. In the light of the fact that there is no denial of the relationship of employee and employer between the management and the workmen and further, the contractual relationship as claimed by the Management has also not been established by them, the Labour Court came to the conclusion that the workmen herein are nothing but employees on the basis of monthly salary under the Management. That apart, the Management has not disputed the services of the workmen and all the relevant records pertaining to the employment of the workmen ought to be available only with the Management and not with the workmen, which was taken note of by the Labour Court in the impugned orders.

9. Though the Management has raised the contention before the Labour Court that the workmen themselves voluntarily left the service, in the light of the fact that no show cause notice was issued and no domestic enquiry was conducted and no proper order of termination was issued, the Labour Court has rightly observed that no legal procedures were adopted by



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the Management while terminating the services of the workmen and set aside the termination orders and awarded a lump sum compensation amount

in lieu of reinstatement, backwages, continuity of service and all other attendant benefits. Thus, this Court is of the view that, the Labour court, after careful consideration of all the above said facts, had passed the present impugned orders which are speaking and reasonable orders and the same does not require any interference at the hands of this Court.

10. The petitioner-management is directed to honour the awards of the labour court and the pay the compensation awarded by the labour court in favour of the respective workmen within a period of two weeks from the date of receipt of a copy of this order, failing which the respective compensation awarded by the labour court shall carry interest at the rate of 9% from the date of the award till the date of realisation.

11. In respect of W.P.No.24889 of 2018, the compensation awarded by the labour court shall be paid in favour of the Respondents 2 to 4/the LRs of the deceased workmen.



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12. For the reasons aforesaid, these Writ petitions stand dismissed, confirming the awards of the III Additional Labour Court, Chennai all dated 29.06.2018 made in I.D.Nos.72, 71, 70 & 68 of 2009 respectively. No costs. Consequently, the connected Miscellaneous petitions are closed.

25.03.2025

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NCC	: Yes / No
Speaking Order	: Yes / No
Index	: Yes / No

To

The III Additional Labour Court,
Chennai.

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The matter is today listed under the caption 'for being mentioned'.

2.The learned counsel appearing for the petitioner submitted that, in paragraph no.12 of the order dated 25.03.2025 made in W.P.Nos.24887 to 24891 of 2018, inadvertently, it has been mentioned as 'I.D.Nos.72, 71, 70 & 68 of 2009' instead of 'I.D.Nos.72, 71, 70, 68 & 69 of 2009' and prayed for appropriate orders.

3.In view of the above, Paragraph no.12 of the order dated 25.03.2025 made in W.P.Nos.24887 to 24891 of 2018, is to be read as follows:

"12.For the reasons aforesaid, these Writ petitions stand dismissed, confirming the awards of the III Additional Labour Court, Chennai all dated 29.06.2018 made in I.D.Nos. 72, 71, 70, 68 & 69 of 2009 respectively. No costs. Consequently, the connected Miscellaneous petitions are closed."



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4.Registry is directed to carry out the necessary corrections and re-issue copy of the order to the respective learned counsel appearing for the parties.

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21.04.2026

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21.04.2026