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W.P.No.12379 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12379 of 2014

1.M.Rengarajan
2.M.Radhakrishnan

... Petitioners

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.The Management,
New Garswood Estate,
Kattabettu Post,
Kothagiri (Via),
Nilgiris – 643 214.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in I.D.No.105 and 106 of 2003 dated 23.06.2011 on the file of first respondent and quash the same as illegal and direct the second respondent to reinstate the petitioners into services with backwages and all other back attender benefits with continuity of service to secure the ends of justice.



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For Petitioners : Mr.R.Sankarasubbu

For Respondents : R1 – Court
Mr.S.Kingston Jerold for R2

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records in I.D.Nos.105 and 106 of 2003 dated 23.06.2011 on the file of first respondent and quash the same as illegal and direct the second respondent to reinstate the petitioners into services with backwages and all other back attender benefits with continuity of service.

2.The case of the petitioners is that they are brothers and their Father Muthukrishnan is a Srilankan repatriate and he along with his wife and children including the petitioners joined the second respondent on 05.05.1975 vide appointment letter dated 29.04.1975 and they were dismissed from service on 01.11.2000. Aggrieved by the same, the petitioners raised industrial disputes in I.D.Nos.105 and 106 of 2003 before the first respondent and the first respondent vide impugned order dismissed the industrial disputes. Challenging the same, the petitioners have filed this writ petition.



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3.The learned counsel appearing for the petitioners submitted that it is the duty cast upon the second respondent to maintain adult register in Form No.12 and non adult register in Form No.13. The petitioners filed interlocutory applications in I.A.Nos.169, 170, 171 and 172 for production of those forms, however, they were marked by the second respondent as Ex.M4 series. The learned counsel further submitted that as per Ex.M4 series, no casual labourers were employed with the second respondent and all are permanent employees and this itself shows that the second respondent did not produce the genuine register maintained by them. The learned counsel further submitted that the said interlocutory applications were dismissed and liberty was granted to the petitioners to canvass all the points at the time of final hearing and to recall M.W.1, however, without recalling M.W.1, hurriedly, the impugned order was passed, which is perverse and not sustainable one. The learned counsel prayed to set aside the impugned order and to remand the matter back to the first respondent for re-examination of M.W.1.

4.The learned counsel appearing for the petitioners further submitted that the petitioners Sister Ruckmani raised industrial dispute



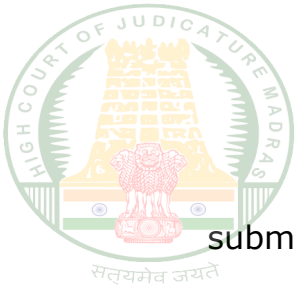
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and in that the Labour Court awarded compensation and further submitted that even the said benefit was not extended to the petitioners, which is not sustainable one.

5.Per contra, the learned counsel appearing for the second respondent submitted that before the Labour Court, the petitioners examined five witnesses on behalf of them, out of which, two are their family members namely, W.W.2 – Pappu is the Mother of the petitioners and W.W.4 – M.Ruckmani is the Sister of the petitioners and they clearly deposed that the first petitioner was born on 01.08.1961 and the second petitioner was born on 30.04.1966 and during the year 1975, they are only 14 years old and 9 years old and at such a tender age, they might not be employed with the second respondent and such claim made by the petitioners is mis-conceived, which is nothing but to extract money from the second respondent.

6.The learned counsel appearing for the second respondent further submitted that W.W.2 in her deposition has clearly deposed that the second petitioner is working along with his wife in TNTEA estate for about five to six years. The learned counsel further



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submitted that the deposition of W.W.2 makes it clear that she is residing in the quarters which was given to her free of cost by the second respondent for her employment with the second respondent. The learned counsel further stated that the petitioners in order to extract money from the second respondent filed the industrial disputes and the same was elaborately considered by the Labour Court and hence, the impugned order warrants no interference.

7. Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the second respondent and perused the materials available on record.

8. Admittedly, W.W.2 and her husband came from Sri Lanka and they got employment with the second respondent as plantation labourer through the erstwhile owner of the second respondent namely, Namachivayampillai. It is also admitted fact that W.W.2 reached the age of superannuation and even after superannuation, she is continuously residing in the quarters. W.W.2 during her cross examination has stated that the second petitioner is working along with his wife in TNTEA estate for about five to six years since the second respondent has not given employment to him.



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9. Though the petitioners claim that they joined the second respondent on 05.05.1975, at the relevant point of time, they are only 14 years old and 9 years old. Though the learned counsel appearing for the petitioners drawn the attention of this Court to Form No.12 register for adult members and Form No.13 register for non adult members, no provision is available for extracting work from children under the Tamil Nadu Plantation Rules, 1955 and child labour is prohibited in the entire State of Tamil Nadu. Hence, the claim of the petitioners that they are employed with the second respondent from 1975 along with other family members is mis-conceived.

10. Further, W.W.2 during her cross examination has deposed that she did not vacate the quarters since the second respondent would give some compensation for vacating the quarters and such statement makes it clear that W.W.2 continued to stay in the quarters given by the second respondent even after reaching the age of superannuation in order to extract money from the second respondent. Further, the petitioners did not produce any document to substantiate their employment with the second respondent and all the above



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aspects were elaborately considered by the Labour Court and hence, the impugned order warrants no interference.

11.The writ petition is dismissed. No costs.

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

To

1.The Presiding Officer,
Labour Court,
Coimbatore.



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M.DHANDAPANI,J.
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