



W.P.No.28559 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28559 of 2014

A.Suresh

... Petitioner

Vs.

1.The Central Government Industrial Tribunal cum Labour Court,
Rep.by its Presiding Officer,
1st Floor, B-Wing,
26, Haddows Road,
Shastri Bhavan,
Chennai-600 006.

2.The General Manager,
Heavy Alloy Penetration Project,
Ministry of Defense,
Trichy-620 025.

3.M/s.Sri Security Services,
Trichy-Pudukottai Main Road,
Anna Nagar, Mathur (Post),
Pudukkottai-622 515.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the first respondent in respect of I.D.No.28 of 2013 dated 22.05.2014 and quash the same with regard to denial of relief to reinstate the petitioner in the place where he was working before his termination and failed to give any finding with regard to backwages and all other attendant benefits and consequently, direct the second and third respondents to accommodate the petitioner in the second respondent organization itself and payment of backwages and all other attendant benefits.

For Petitioner : Mr.D.Muthukumar

For Respondents : Mr.J.Madanagopal Rao
for R1 and R2
R3-Not ready in notice

ORDER

This Writ Petition has been filed challenging the award dated 22.05.2014 passed in I.D.No.28 of 2013 by the first respondent, insofar as the denial of relief to reinstate the petitioner in the place where he was working before his termination and for a consequential direction to the second and third respondents to accommodate the petitioner in the second



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respondent Organization itself and pay backwages and all other attendant benefits.

2. The petitioner was working as Contract Labourer on the roles of the third respondent, namely, Sri Security Services, and was deployed in the project of the second respondent. Pursuant to a strike by the contract laborers against non-payment of the minimum wages, many of the contract laborers were terminated from service by the third respondent, on the instructions of the second respondent. Accordingly, the petitioner also lost his employment and he filed I.D.No.28 of 2013 before the Central Government Industrial Tribunal cum Labour Court, Chennai, challenging his termination. The first respondent/Labour Court, after considering the materials placed before it and the evidence produced before it, framed the following points for consideration:

“(i) Whether the action of the third respondent in terminating the service of the petitioner is legal and justified?

(ii) What is the relief to which the petitioner is entitled?”



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3. The Labour Court came to a conclusion that since the petitioner was engaged as contract labourer by the third respondent Contractor in the second respondent Establishment, he cannot claim reinstatement with the second respondent as a matter of right. However, the Labour Court has directed the third respondent, namely, the Contractor, to reinstate the petitioner in service within one month. Challenging the same, this Writ Petition has been filed.

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2.

5. Admittedly, the petitioner was engaged by the third respondent Contractor, namely, Sri Security Services as contract labourer to work under the second respondent. The second respondent herein filed a counter statement before the Labour Court stating that the petitioner was employed by the third respondent/Contractor, namely, Sri Security Services. The



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Labour Court came to a conclusion that it is clear from the claim statement as well as the affidavit of the petitioner that he was terminated from service by the third respondent/Contractor as instructed by the employer, namely, the second respondent herein. The third respondent/Contractor remained absent before the Labour Court after filing the counter statement. Ultimately, the Labour Court came to a conclusion that the termination was done without complying the provisions of the Industrial Disputes Act and the petitioner is entitled to be reinstated into service. Though the petitioner urged before the Labour Court to allow him to work before the second respondent herein, the Labour Court has categorically stated that the Contractor, namely, the third respondent herein, was the one who has terminated the service of the petitioner and a direction was given to the third respondent to reinstate the petitioner in service within a month. Hence, the challenge made by the petitioner against the said direction is not well founded. The Labour Court has gone into the facts and circumstances of the case as well as the evidence and the materials placed on record and has categorically come to a conclusion that the petitioner being the Contract



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Labourer, is entitled for reinstatement only by the third respondent and not by the second respondent, and he cannot claim reinstatement with the second respondent as a matter of fact. It is for the third respondent to reinstate the petitioner and deploy him to any of the sites in which, he has been awarded the contract.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

25.02.2025

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

To

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