



W.P.No.27394 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.27394 of 2023

T.Chandrasekar

... Petitioner

Vs.

1. M/s. Sridev's Ajantha Bakers
and Sweets Pvt. Ltd.,
by its Director, Mr.K.S.Subash,
No.73, 1st Floor, Paper Mills Road,
Perambur, Chennai – 600 011.

2. Mr.K.T.Subash
Managing Director,
M/s. Sridev's Ajantha Bakers
and Sweets Pvt. Ltd.,
No.73, 1st Floor, Paper Mills Road,
Perambur, Chennai – 600 011.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the order dated 23.02.2023 passed in O.P.No.271 of 2021 by the learned II Additional Judge, Labour Court, Chennai and quash the same and consequently direct the respondents to re-instate the petitioner in to the service with back wages, continuity of service and all other attendant benefit.



WEB COPY



W.P.No.27394 of 2023

For Petitioner : Mr.R.Prathapan

For Respondents : Mr.G.Rajkumar

ORDER

This Writ Petition has been filed to quash the order passed by the Labour Court in O.P.No.271 of 2021 dated 23.02.2023.

2. According to the petitioner, he was working as salesman at the second respondent's Bakery from the month of May, 2010 and he used to go to all the branches of the second respondent's bakery and followed the instructions of the second respondent. Hence, the second respondent had increased the salary of the petitioner from Rs.5,000/- to Rs.16,700/-. While so, all of a sudden, the second respondent reduced the salary from Rs.16,700/- to Rs.15,000/-, without notice to the petitioner. More over, on 07.02.2020, the petitioner went to the Bakery for doing the work, but they prevented him from doing the job. Therefore, the petitioner sent a letter dated 27.05.2020 requesting the respondents that due to the illness of his maternal aunt, he was unable to attend the work on 07.03.2020 and thereafter, his maternal aunt died and in the lawyer's notice of the petitioner, it is stated that due to the lockdown, he was unable to attend the work and requested to give him employment except as a salesman



W.P.No.27394 of 2023

WEB COURT

and cashier. Thereafter, he was reinstated in the month of December, 2020. In the second wave of a Covid – 19, once again, they denied the employment to the petitioner and again, the petitioner issued a notice to the respondent on 29.07.2021 to settle the matter amicably and also he had not sought for reinstatement and the respondent gave a reply on 04.08.2021 alleging that the petitioner resigned his job on 15.05.2021. Therefore, the petitioner raised the Industrial Dispute before the Labour Court. But the Labour Court dismissed the petition by holding that the petitioner resigned his job and thereafter, he was working in another place. Therefore, he is not entitled to any relief and he is only entitled to gratuity from the respondent. The above said order passed by the Labour Court is erroneous and the same is liable to be quashed.

3. According to the respondents, the petitioner was working under the respondents in May, 2010 and the payments were duly paid to the petitioner. While so, he voluntarily resigned his job on 15.05.2021 and thereafter issued notice on 29.07.2021 making some false allegations without mentioning his reinstatement. The respondents also issued suitable reply by mentioning about his resignation and no question of backwages would arise. The resignation letter was handwritten and



W.P.No.27394 of 2023

signed by the petitioner in Tamil. The petitioner caused loss to the Company due to his negligence on the earlier occasions. Thereafter, he left the Company and again joined the Company. The respondents already paid the entire salary till the resignation of the petitioner. Therefore, the Labour Court after considering the evidence adduced on both sides had rightly dismissed the Petition. Therefore, the present Writ Petition is liable to be dismissed.

4. This Court heard both sides and perused the records.

5. In this case, there is no dispute between the parties in respect of relationship as workman and employer.

6. According to the petitioner, the respondents not allotted the work to the petitioner and orally terminated his service and thereby raised an Industrial Dispute for reinstatement and backwages and all other benefits. The respondents also admitted the employment.

7. According to the respondents, the petitioner resigned his job through resignation letter, but the petitioner denied the said resignation.



W.P.No.27394 of 2023

WEB.COM

Therefore, it is for the respondents to prove that the petitioner had resigned his job. Before the Labour Court, on the side of the petitioner, he was examined as witness and marked 13 documents, but no oral or documentary evidence was adduced on the side of the respondent. The petitioner before the Labour Court produced the wages slips of the petitioner issued by the respondents and the Bank passbook relating to the salary of the petitioner and the legal notice issued by the petitioner to the respondents.

8. On a careful perusal of those documents and evidences, they revealed that the petitioner worked under the respondents' company and the petitioner had not worked some days, thereby, he again joined in the respondents' bakery. The workman in his cross-examination stated that “as per Ex.W-6 on 27.05.2020, he requested the Management to give work to him and thereafter he joined duty in the respondent Management, and it is wrongly mentioned in the proof affidavit as he joined duty in the month of December, 2020, in fact he joined duty on 27.05.2020, he does not know the date of alleged oral termination. Therefore, from the above evidence of workman, it shows that he joined duty after the notice on 27.05.2020. It is also an admitted fact that the

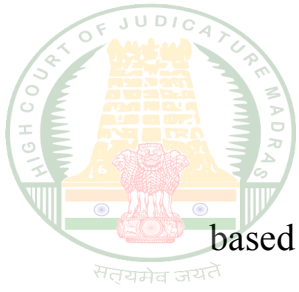


W.P.No.27394 of 2023

WEB COPY

petitioner was paid PF contribution and the present establishment where he said to be in employment is covered under ESI Act. In reply notice sent by the respondents, they averred that the petitioner resigned his job and the same was not disputed by the petitioner. Moreover, the petitioner during the cross-examination stated that notice was issued by him, but he has not stated about the date of denial of employment and he has not demanded for reinstatement. In reply, the respondents categorically stated about the resignation letter, but the petitioner simply denied the same.

9. However, admitted that he is working in another establishment and he came to the Court only after obtaining permission for two hours and thereby it is clear that the petitioner was working in another company. On perusal of the letter sent by the petitioner and the admission made by the petitioner that he was working in another company, the Court can infer that the petitioner resigned his job and working in another establishment. Therefore, this petitioner is not entitled to an order for re-instatement and backwages. The Labour Court also in the order, after elaborate discussions, came to a fair conclusion. Therefore, the order passed by the Labour Court is a well-reasoned order



W.P.No.27394 of 2023

based on the evidence and it does not warrant interference by this Court.

WEB COPY

10. In view of the above, this Writ Petition having no merits is liable to be dismissed.

Accordingly, this Writ Petition is dismissed. No costs.

08.08.2025

dh

Index: Yes/No

Internet: Yes/No



WEB COPY



W.P.No.27394 of 2023

P.DHANABAL. J.
dh

W.P.No.27394 of 2023

08.08.2025