



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos. 25233 & 25234 of 2017

In both W.P.s

R. Venkatesan,
No.105, M.C.Road, Solur Village,
Alangkuppam Post, (Via)
Sanakuppam- 735 814

Petitioner(s)

Vs

1. The General Manager
Florind Shoes Pvt Ltd, H.C.Road, Solur
Village, Alangkuppam Post, (Via),
Sanakuppam

2.The Presiding Officer
Labour Court, Vellore

Respondent(s)

WP No. 25233 of 2017

PRAYER

calling for the records of the Award dated 17.5.2017 passed in I.D. No.14/ 2016 on the file of the 2nd respondent Court, and quash the same and consequently to direct the 1st respondent to reinstate the petitioner with backwages, salary and



attendant benefits from 3.9.2015 to till the date of disposal of this writ petition and to order any other remedy as this Court.

WP No. 25234 of 2017

PRAYER

calling for the records of the Award dated 17.5.2017 passed in C.P. No.19/ 2016 on the file of the 2nd respondent Court, and quash the same and consequently to direct the 1st respondent to reinstate the petitioner with backwages, salary and attendant benefits from 3.9.2015 to till the date of disposal of this writ petition and to order any other remedy as this Court.

In both W.P.'s

For Petitioner(s): M/S.S.Thamizharasi

For Respondent(s): R-2 Labour Court
R1-not ready notice (in both the writ)

COMMON ORDER

Since the issue involved in the present writ petitions are one and the same, they are disposed of by way of this common order.

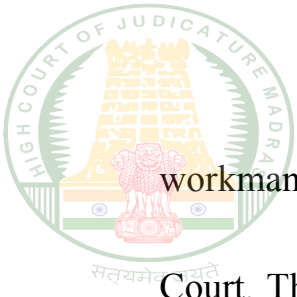
2. Feeling aggrieved by the order of the second respondent rejecting his prayer for reinstatement into service and also shooting down his prayer for direction to the first respondent to pay amounts under Section 33C(2) of the Industrial Disputes Act, 1947, the present writ petitions have been filed.



3. Considering the short point to be discussed, this Court is not inclined to go deep into the contents of the affidavit and arguments advanced by the learned counsel for the petitioner.

4. The petitioner was working as a Maintenance Supervisor under the first respondent. According to the petitioner, he was terminated from service on 03.09.2015 without any prior intimation. Therefore, the petitioner raised an Industrial Dispute and also filed a petition under Section 33C(2) seeking direction to the first respondent to settle his dues.

5. By order dated 17.05.2017, the learned Tribunal had negated both the claims. As rightly observed by the Tribunal, the petitioner would not fall within the meaning of workman as defined under Section 2(s) of the Industrial Disputes Act, 1947. Admittedly, the petitioner was employed as a Maintenance Supervisor and his job required allotment of workers to various maintenance work. The Labour Court found that the petitioner was doing the job of a discretionary authority and therefore, would not fall within the definition of a



workman. This Court is in complete agreement with the finding of the Labour

Court. The petitioner cannot call himself as a workman. To raise an Industrial

Dispute invoking Section 2A(2) of the Industrial Disputes Act, 1947, the person

should prove that he was only a workman defined under Section 2(s) of the

Industrial Disputes Act, 1947. Admittedly, the petitioner was doing a

supervisory job. Therefore, he cannot be termed to be a workman. This Court is

in complete agreement with the finding of the Labour Court and confirms the

rejection of I.D.No.14 of 2016. Accordingly, the Writ Petition No.25233 of 2003

stands dismissed.

6. To maintain a petition u/s.33C(2) of the Industrial Disputes Act, 1947,

the claimant should prove that there existed a pre-existing right. In this case,

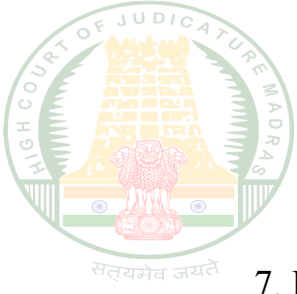
admittedly, a petitioner was not a workman and therefore he cannot challenge

his termination invoking the Industrial Disputes Act, 1947. Therefore, the

consequent computation petition filed is also not maintainable. This Court

confirms the order passed by the Labour Court in this regard and W.P.No.25234

of 2017 is also dismissed.



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7. In the result both the writ petitions are dismissed. No costs.

07-04-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.The General Manager
Florind Shoes Pvt Ltd, H.C.Road, Solur
Village, Alangkuppam Post, (Via),
Sanakuppam

2.The Presiding Officer
Labour Court, Vellore



M.DHANDAPANI J.

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RAP

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of 2017**

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