



W.P.Nos.33243, 33244 & 33019 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

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

W.P.Nos.33243, 33244 & 33019 of 2019

and

WMP.Nos.33448, 33703 and 33704 of 2019

W.P.No.33243 of 2019

The Management

Sri Venkateswara Electrical - Industries Private Limited,

75B, Kundrathur Road,

Porur, Chennai - 600 116.

...Petitioner

Vs.

G.Saravanan

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in C.P.No.36 of 2017 in A.P.No.340 of 2015 on the file of the First Additional Labour Court, Chennai, quash the final order dated 13.03.2019.

For Petitioner : Mr.M.R.Raghavan

For Respondents : Mr.S.Ravi

W.P.No.33244 of 2019

The Management

Sri Venkateswara Electrical - Industries Private Limited,

75B, Kundrathur Road,

Porur, Chennai - 600 116.

...Petitioner



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R.Karthik

Vs.

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in C.P.No.37 of 2017 in A.P.No.361 of 2015 on the file of the First Additional Labour Court, Chennai, quash the final order dated 13.03.2019.

For Petitioner : Mr.M.R.Raghavan

For Respondents : Mr.S.Ravi

W.P.No.33019 of 2019

The Management
Senthil Engineering Company
75B, Kundrathur Road,
Porur, Chennai - 600 116.

...Petitioner

Vs.

S.Ramachandiran

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in C.P.No.35 of 2017 in A.P.No.336 of 2015 on the file of the First Additional Labour Court, Chennai, quash the final order dated 13.03.2019.

In all W.P.s

For Petitioner : Mr.M.R.Raghavan

For Respondent : Mr.S.Ravi



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COMMON ORDER

Unhappy with the order passed by the First Additional Labour Court vide order dated 13.03.2019 in C.P.Nos.35 to 37 of 2017 in A.P.Nos.340, 336 & 361 of 2015, the management has filed these writ petitions.

2. Since the facts are similar and the impugned order is passed touching the same aspects, these three writ petitions are disposed of vide this common order.

3. The respondents / workmen in these three writ petitions were working under the petitioner management. They were terminated on account of some misconduct. The management filed an approval petition before the Labour Court. The Labour Court refused to grant approval and dismissed the same. Contending that the petitioner is liable to pay wage arrears after deducting the subsistence allowance, the respondents workmen filed computation petition.

4. The Labour Court on a analysis of materials available before it



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agreed with the respondent workmen that they were not gainfully employed during the interregnum and awarded the amount as prayed for by the respondents / workmen. The said order is challenged before this Court.

5. After having heard the learned counsel for the petitioner and the respondent workmen, this Court is of the view that the Labour Court has analysed the entire materials placed before it and arrived at a correct conclusion that the respondent workmen were not gainfully employed after the termination from service. Though the management let in evidence, R.W.2 an electrical store owner that the workman in each of the writ petitions were employed by him occasionally. The said averment was not properly proved. Likewise, though the management produced a report from a detective agency and also a photograph of the respondent workmen were working somewhere, the said fact was also not proved. The management has stated before the Labour Court that only the detective could depose about the veracity of the photograph taken by him. The management has not examined the said detective. Therefore, no reliance could be placed on some random photograph thrown at the Labour Court. In essence, the management has miserably failed to prove



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that the respondent workmen were gainfully employed after termination.

Therefore, the Labour Court held that they are entitled to arrears of backwages payable to them.

6. The Labour Court has accordingly, directed the petitioner management to pay the amount as directed in each of the computation petitions, which are impugned herein.

7. As regards reinstatement it is seen that the parties are litigating right from the year 2013. Therefore, considering the strained relation between them, it would not be in the interest of either of the parties to direct reinstatement. In lieu thereof, this Court, directs the petitioner to pay a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) to each of the workmen herein. It is made clear that this amount is awarded in full quit.

8. In the result, the writ petitions are disposed of with the following directions.

(i) The petitioner management is directed to pay a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) to each of the



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respondent workmen herein.

WEB COPY (ii) The said sum shall be paid to the workmen within a period of two weeks from the date of receipt of a copy of this order.

(iii) This Court while granting interim stay, had directed the petitioner to deposit 50% of the award amount. The respondent workmen are permitted to withdraw the award amount already deposited. No costs. Consequently, connected miscellaneous petitions are closed.

04.04.2025

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



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To
First Additional Labour Court, Chennai,



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M.DHANDAPANI., J.

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