



WEB COPY

WP No. 27659 of 2017



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 07-10-2025**

**CORAM**

**THE HONOURABLE MRS.JUSTICE N. MALA**

**WP No. 27659 of 2017 & WMP.No.29604/2017**

M/s.Anmol Enterprises  
Rep.by its Proprietor  
Mr.Chandrakant Jain  
No.45, Shop No.22  
Strotten Muthia Mudali Street  
Chennai 600 079.

Petitioner(s)

Vs

N.Thangaraj

Respondent(s)

**PRAYER**

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records in respect of the Award dated 09.06.2017 passed by the learned III Additional Judge, Labour Court, Chennai in ID.No.114/2009 and to quash the same.



For Petitioner: Mr.J.Rajmohan

For Respondent: Ms.S.Deepika

**ORDER**

(1)The above writ petition is filed challenging the order of the Labour Court dated 09.06.2017, in ID.No.114/2009, granting compensation of Rs.1 lakh to the respondent for his illegal termination by the petitioner.

(2)The petitioner will be referred to as 'Employer' and the respondent as 'workman'.

(3)The facts in brief, are as follows:

(4)The workman was employed in the petitioner Proprietary Concern, which was engaged in Wholesale cashew business, as a labourer, for loading and unloading of goods on monthly wages of Rs.6,000/-. While so, it was the workman's case that since he requested the employer to pay him Rs.10,000/- for his medical expenses, he was deined employment. The workman aggrieved by his non-employment without notice and salary for the notice period, raised the dispute before the Labour Court. The employer denied all



the allegations raised by the workman and further contended that its business activities did not fall under the definition of the term 'industry' as defined by Section 2[j] of the Industrial Disputes Act. Therefore, the employer prayed for dismissal of the Industrial Dispute.

(5) The Labour Court, on consideration of the entire materials on record, partly allowed the Industrial Dispute, by granting a compensation of Rs.1 lakh to the workman. Challenging the Award passed in the ID, the employer has filed the writ petition.

(6) The learned counsel for the petitioner submitted that the Labour Court, erred in awarding compensation in lieu of reinstatement, overlooking the fact that absolutely no evidence was filed by the workman to prove his employment with the petitioner, except a photograph. The learned counsel further submitted that in the absence of any reliable evidence to prove the illegal termination, the Labour Court ought to have dismissed the claim petition.

(7) The learned counsel for the respondent submitted that the Labour Court after considering all materials passed the impugned order and therefore, this Court should not interfere with the Award of the Labour Court.



(8) Heard both sides and perused the materials available on record.

(9) The workman was employed as a loadman by the the petitioner Concern on wages of Rs.6,000/- per month and when workman requested the employer to pay him Rs.10,000/- for his medical expenses, the employer terminated his service without any notice. The Labour Court, on an appreciation of the materials placed before it, partly allowed the dispute raised by the workman.

(10) The issue to be decided is, whether the Labour Court Award is fair, just and sustainable.

(11) It is not as though the Labour Court had rendered its finding in favour of the workman without any evidence. This is not a case of no evidence. The Labour Court, upon appreciating the oral testimony of the workman, duly corroborated by the evidence of WW2, and by drawing adverse inference against the employer for having failed to subject himself to cross-examination, concluded that the workman was indeed employed with the petitioner Concern. It is well settled that unless the findings of the Labour Court suffer from perversity or are unsupported by material evidence, this Court, while exercising its jurisdiction under Article 226, cannot reappreciate



the evidence as if sitting in appeal over the findings. The Labour Court's reasoning, both in holding the termination to be illegal and in granting compensation, in lieu of reinstatement on the same premise of adverse inference, is sound and does not call for interference. The said reasoning is neither perverse nor contrary to settled principles and hence, cannot be faulted.

(12) At this juncture, it is useful to refer to the judgment of the Hon'ble Supreme Court in ***Iswarlal Mohanlal Thakkar Vs. Paschim Gujarat Vij Company Limited and Another***, reported in **2014 [6] SCC 434**. The relevant paragraph, reads as follows:-

*"15. We find the judgment and Award of the Labour Court well reasoned and based on facts and evidence on record. The High Court has erred in its exercise of power under Article 227 of the Constitution of India to annul the findings of the Labour Court in its Award as it is well settled law that the High Court cannot exercise its power under Article 227 of the Constitution as an appellate Court or re-appreciate evidence and record its findings on the contentious points. Only if there is a serious error of law*



WEB COPY



*or the findings recorded suffer from error apparent on record, can the High Court quash the order of a Lower Court. The Labour Court in the present case has satisfactorily exercised its original jurisdiction and properly appreciated the facts and legal evidence on record and given a well reasoned order and answered the points of dispute in favour of the appellant. The High Court had no reason to interfere with the same as the Award of the Labour Court was based on sound and cogent reasoning, which has served the ends of justice."*

(13) In view of the above discussions, this Court finds that absolutely no interference is warranted in the Award of the Labour Court and hence, the same is confirmed.

(14) Accordingly, this writ petition is **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

**07-10-2025**

Dpq/AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 27659 of 2017



To

The II Additional Labour Court  
Chennai.



WEB COPY

WP No. 27659 of 2017



**N.MALA J.**

Dpq/AP

**WP No. 27659 of 2017**

**07-10-2025**