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W.P.No.35208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.35208 of 2023

Morgan Industries
Rep by its General Manager,
T.Bhaskar,
Old No.31C, New No. 58,
Abirampuram,
Chennai – 600018.

... Petitioner

Vs.

M. Natarajan

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the proceedings of the impugned order dated 05.09.2023 passed by the III Addl. Labour Court in O.P.No. 246 of 2022 and quash the same.

For Petitioner : Mr.G.Muthukumar

For Respondent : Mr.Thirumoorthy

ORDER

Questioning the correctness of the order passed by the III Additional Labour Court, Chennai in O.P.246 of 2022 dated 05.09.2023, the petitioner has filed this writ petition.



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2. Short facts are that, the respondent herein was working as a Security Guard at the residence of erstwhile managing director. After the demise of the managing director, the respondent was orally terminated from service. Challenging such oral termination, the employee raised an industrial dispute which was taken on file as O.P.No.246 of 2022. The respondent herein had sought reinstatement with continuity of service, back wages and other attendant benefits. The petitioner herein resisted in O.P. The petitioner contended that the company had fallen into at times due to natural calamities like Thane and Vardha and subsequent COVID-19 Pandemic. The petitioner had stated that the Managing Director himself succumbed to COVID-19. Since there was no employer employee relationship between the parties, the petitioner submitted that the relief claimed by the respondent is not maintainable.

3. Both sides let in oral evidence and respondent herein let in documentary evidence. On an analysis of the same, the Labour Court held that the respondent was indeed a workman. As regards reinstatement, the Labour Court held that as the parents of the deceased managing director were mostly staying at Delhi and considering the fact



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that the respondent was aged 67 years even at the time of filing petition,

the Labour Court held that reinstatement cannot be ordered. However,

the Labour Court awarded a sum of Rs.1,70,000/- as compensation.

Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner vehemently submitted that there exist no employer employee relationship between the petitioner and the respondent and the Trial Court erred in placing reliance on the vouchers produced by the respondent to conclude that the respondent was employed under the petitioner management. The learned counsel also submitted that the compensation awarded at Rs.1,70,000/- was without any basis and therefore, the impugned orders deserves interference.

5. The learned counsel for the respondent submitted that the impugned order is a well balanced and justifiable order and it needs no interference. The Labour Court analysed the evidence let in by both the parties in its proper perspective and arrived at a finding that the relationship of employer employee is well established. The learned counsel, therefore, submitted that no interference is warranted and writ



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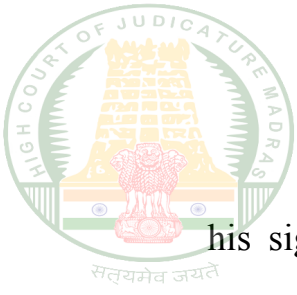
petition may be rejected.

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6. Heard the learned counsel on either side and perused the materials placed on record.

7. Though the petitioner tried to create a smoke screen effect that since the respondent was only employed as security guard at the residence of managing director, he cannot be claimed to have worked in the management. The learned counsel submitted that there was no employer employee relationship between them ; in that, the petitioner was not given a written assignment order and therefore no written termination order was necessary.

8. This Court on a perusal of the evidence adduced by the manager of the petitioner wherein he has admitted that Ex.W1 series or vouchers issued by the petitioner management. He has further admitted that the respondent was shown as security in the said vouchers. Therefore, the Labour Court has perfectly justified in concluding that the respondent was only an employer under the petitioner. The respondent has also admitted in his evidence that salary was given in cash, however,



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his signature was obtained in vouchers. This squarely proves the real issue between the parties. The oral termination is also illegal for the fact that no reason has been assigned for the same. Accordingly to the petitioner, the erstwhile managing director died and his parents were living at Delhi. Therefore, there was no security needed for the residence. Taking the said fact into consideration, the Labour Court has rightly concluded that there is no justification for reinstating the respondent. However, the respondent had to be compensated for the services he had rendered in the past. This Court is of the confirmed opinion that the Labour Court has awarded fair compensation and it deserves no interference.

9. In result, this writ petition fails and the same is dismissed. The petitioner is directed to pay the said sum of Rs.1,70,000/-within a period of two (2) weeks from the date of receipt of a copy of this order. No costs.

26.02.2025

RAP

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

M.DHANDAPANI, J.



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rap

To
The III Additional Labour Court, Chennai

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