



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos. 34554, 34558 OF 2018 and 34561 OF 2018

W.P.No.34554 of 2018:

A.Shanmugam

Petitioner

Vs

The Management,
Anandalakshmi Seizing Mills,
Kozhikaalnattam Road ,
Thiruchengode Taluk,
Namakkal District.

Respondent

WP No. 34558 of 2018:

V.Ganesan

Petitioner

Vs

The Management
Golden Seizing Mills,
T.Kailasamapalayam,Salem Road,
Thiruchengode Taluk,
Namakkal District.

....Respondent(s)

WP No. 34561 of 2018:

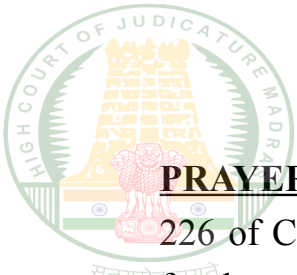
P. Shanmugam

Petitioner

Vs

The Management,
Sakthi vinayaga Seizing Mills, Nesavalar
colony,
Kozhikaalnattam Road,
Thiruchengode Taluk, Namakkal District.

Respondent



PRAYER in WP No. 34554 of 2018: This petition has been filed under Article 226 of Constitution of India, to issue a writ of Certirarified Mandamus calling for the records from the Presiding Officer of the Labour Court, Salem relating to the Impugned award dated 30-4-2015 made in ID.NO 19/2010 and quash the same and consequently direct the Respondent management to reinstate the petitioner worker in its service with full back wages continuity of service and all other attendant benefits.

PRAYER in WP No. 34558 of 2018: This petition has been filed under Article 226 of Constitution of India, to issue a writ of Certirarified Mandamus calling for the records from the Presiding Officer of the Labour Court, Salem relating to the impugned award dated 30-4-2015 made in ID.NO 18/2010 and quash the same and consequently direct the Respondent management to reinstate the petitioner worker in its service with full back wages continuity of service and all other attendant benefits.

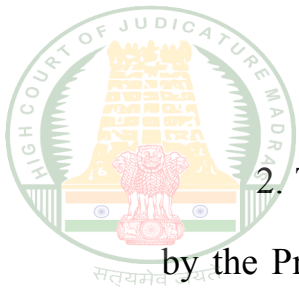
PRAYER in WP No. 34561 of 2018: This petition has been filed under Article 226 of Constitution of India, to issue a writ of Certirarified Mandamus calling for the records from the Presiding Officer of the labour Court, Salem relating to the Impugned award dated 30-4-2015 made in ID.NO 20/2010 and quash the same and consequently direct the Respondent management to reinstate the petitioner worker in its service with full back wages continuity of service and all other attendant benefits.

For Petitioner(s) : M/S.R.RAJARAM

For Respondent(s): MR. T. RENGESH FOR
M/S.P.NEHRU

COMMON ORDER

Since the issues involved in all the cases are one and the same, the same are disposed by way of this common order.



2. These writ petitions have been filed seeking to quash the order passed by the Presiding Officer of the Labour Court, Salem relating to the impugned award dated 30-4-2015 made in ID.Nos.18, 19 and 20/2010 and consequently direct the Respondent management to reinstate the petitioner worker in its service with full back wages continuity of service and all other attendant benefits.

3. It is the case of the petitioners that they were working as Warper in the respondent Mills and they have not made permanent. Therefore, the petitioners made a representation to the Management to revise the salary as prevailing in other mills and also requested the Management to extend the benefit of Provident Fund and ESI scheme to them. However, the respondent management has not accepted the genuine demands of the workers and subsequently, they were terminated from service. The petitioners sent a representation to the Management on 09.09.2008 requesting to reinstate them into service and the management has not considered the same. Therefore, the petitioners have raised a industrial dispute before the Labour Court for reinstatement and the same was rejected. Challenging the said order, the petitioners have filed the present writ petitions before this Court.

4. The learned counsel for the petitioners submitted that admittedly, the petitioners have employed with the respondents Management and they have rendered more than 10 years of service. However, the respondents terminated



the workers without any reason. The enquiry has not been conducted properly.

The Labour Court has unfortunately dismissed the ID petition on the basis that the workers has not produced any documentary evidence to prove the fact that the workers were employed by the respondent management. The workers have produced the salary register which is a statutory document. The Labour Court without considering the same, dismissed the petition, which is unsustainable.

5. In support of his contention, the learned counsel relied upon the decision rendered by the Hon'ble Apex Court reported in ***2010 1 LLJ-3 SC in the case of the Director, Fisheries Terminal Division and Bhikubhai Meghahibhai Chavda.***

6. Per contra, the learned counsel for the respondents submitted that the petitioners are not the regular employees and they were working temporarily. Their salary was paid on daily wages. In view of the same, the Labour Court has rejected the petitioners claim and the same is perfectly in order. To disprove the same, the petitioners have not produced any documentary evidence before the Labour Court and they are not regularly working with the respondent. Hence, the claim made by the petitioner is not sustainable and they are not entitled for regularization.

7. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.



8. The petitioners have claimed that they are working with the respondents from the year 1993, 1995 and 2005 respectively. In order to prove the relationship between the parties, the petitioners have not produced any documents before the Labour Court to prove that they were continuously working for 240 days with the respondent Management.

9. This court perused the decision rendered by the Hon'ble Court Court as stated supra. On perusal of the same, it is seen that *the initial burden is discharged only upon the workman stepping up in the witness box. This burden is discharged upon the workman adducing cogent evidence, both oral and documentary.* In the present case, except oral evidence, the petitioners have not produced any documentary evidences to prove their employment with the respondent. In order to prove the same, the petitioners have to produce the appointment order, identity card, salary slip or ESI Card. In the absence of the any materials, this Court cannot pass any positive order in favour of the petitioners. Such being the position, the Labour Court has rightly rejected the petition filed by the petitioners, which is perfectly in order and the same needs no interference.

10. Accordingly, the writ petitions are dismissed. No costs.

27-03-2025

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WP No. 34554 of 2018



M.DHANDAPANI J.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Judge, Labour Court, Salem.

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and 34561 OF 2018**

27.03.2025



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