



W.P.Nos.29708 of 2018 and 5913 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.29708 of 2018 and 5913 of 2019

K.S.Karthikeyan
D.Baskar

... Petitioner in W.P.No.29708 of 2018
... Petitioner in W.P.No.5913 of 2019

Vs.

1.The Presiding Officer,
Labour Court cum Industrial Tribunal,
Pondicherry.

2.The Management of MRF Limited,
Eripakkam Village,
Nettapakkam Commune,
Pondicherry-605 106.

... Respondents in both petitions

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the Labour Court, Pondicherry, in connection with the award pronounced in I.D.Nos.40 and 41 of 2013 dated 27.03.2017 and quash the same and direct the respondent Management to reinstate the petitioner in service with full backwages, continuity of service with all other attendant benefits.



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In both petitions

For Petitioners : Mr.T.Ram Kumar
For Respondents : R1-Tribunal
Mr.Anand Gopalan for
M/s.T.S.Gopalan & Co for R2

COMMON ORDER

The petitioners/workmen are before this Court challenging the awards dated 27.03.2017 passed by the Labour Court, Pondicherry in I.D.Nos.40 and 41 of 2013 and for a direction to the second respondent Management to reinstate the petitioners in service with full backwages, continuity of service with all attendant benefits.

2. The brief facts required for disposal of these writ petitions are that the petitioners were terminated from service by the second respondent Management and the petitioners were initially appointed as apprentices and were continuing their services as apprentices till 30.04.2001 and 17.10.2001 and thereafter also, the petitioners continued to render their services. However, their services were not regularized. While so, the petitioners were



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issued with the termination orders on 09.10.2001 and 17.10.2001 stating that their apprenticeship period has come to an end with efflux of time. The petitioners were active members of the trade union, namely, MRF Thozhilalar Sangam. The said Union filed W.P.No.20591 of 2001 which was allowed directing the second respondent Management to reinstate the petitioners and others with full backwages. The said order was taken on appeal, wherein, the Management has agreed to reinstate of 10 workmen as probationers for one year. The others including the petitioners raised Industrial Disputes in respect of termination of their services. The Labour Court, after considering the averments made in the Industrial Dispute and after hearing both sides, dismissed the said Industrial Disputes, stating that the petitioners have not established that they have completed requisite number of working days and therefore, they are not entitled to any order of reinstatement as claimed by them. Accordingly, the said Industrial Disputes were dismissed. Challenging the same, the present Writ Petitions have been filed.



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3. Heard the learned counsel appearing for the petitioners, who would submit that though the petitioners were recognized as apprentices trainees, they were workmen under Section 2(S) of the Industrial Disputes Act. They also pointed out that pursuant to the judgment passed by the Hon'ble Division Bench of this Court in the writ appeal preferred by the second respondent Management, out of 49 similarly placed workmen, the Management has reinstated only 10 workmen as probationers and subsequently, confirmed their services. The petitioners were one of the 49 workers who were left out and therefore, the same is discriminatory. Another ground raised by the learned counsel appearing for the petitioners is that prior to the termination of the petitioners' services, the second respondent Management neither issued any notice nor obtained any permission required under Section 25(N) of the Industrial Disputes Act.

4. Per contra, the learned counsel appearing for the second respondent Management submits that the petitioners were not



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workmen/employees of the respondent Management and they were appointed as Apprentices who were given training under the Company's Scheme and were paid stipend during the period of their training as per the terms and conditions of apprenticeship order issued to them and their apprenticeship was discontinued in accordance with the said contract vide orders dated 09.10.2001 and 17.10.2001. He further submitted that the petitioners, who are alleged to be the members of MRF Thozhilalargal Sangam instigated the workers to go-slow and had created a serious industrial unrest in the Factory.

5. Heard learned counsel on either side and perused the materials available on record.

6. When the matter was taken up for hearing, this Court, considering the issue involved and the passage of time from the date on which the workmen were dismissed from service, as more than two decades have passed since the order of dismissal, had suggested that the matter may be



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settled by the parties by paying a consolidated amount, as no useful purpose would be served in continuing the litigation, as by now the workmen would have crossed the age of superannuation and they, having not been in service, on the basis of no work no pay, would not be entitled for backwages and all through these years, the workmen would not have remained unemployed, as they would definitely have to have eked their livelihood by being employed elsewhere, however, the learned counsel appearing for the parties were not inclined to come for a settlement and, therefore, did not consent to an order for settlement, as proposed by this Court.

7. Though consent has not been given by the parties, however, this Court, sitting under Article 226 of the Constitution, is required to render substantial justice and in view of the facts narrated above and the sequence of events that have passed through the two decades, when the parties have been fighting out their rights before the judicial forum, this Court, in exercise of its powers is inclined to direct the Management to pay a lumpsum towards full quit as settlement.



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8. Accordingly, this Court without interfering with the orders of the Labour Court dated 27.03.2017 made in I.D.Nos.40 and 41 of 2013, directs the second respondent management to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) as settlement, in full quit to each of the petitioners within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observations and directions, this Writ Petition stands disposed of. No costs.

26.03.2025

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

To
The Labour Court, Pondicherry.



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M.DHANDAPANI, J.

ssb

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