



WP(MD)Nos.13743 and 14237 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)Nos.13743 and 14237 of 2018
and
WMP(MD)Nos.12478 of 2018 and 12882 of 2018**

M/s.PSJ Metals,
Represented by its Proprietor,
X.Claima,
No.57, SIDCO Industries Estate,
Dindigul.

... Petitioner in both WPs

Vs

1.The Presiding Officer,
Labour Court,
District Court Complex,
Tiruchirappalli.

... 1st Respondent in both WPs

2.L.Kumar

... 2nd respondent
in WP(MD)No.13743 of 2018

2.S.Vincent Antony

... 2nd respondent
in WP(MD)No.14237 of 2018

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified mandamus to call for the impugned award of the 1st respondent in ID.No.162 of 2006 and ID.No.163 of 2006, dated 27.10.2017 and quash the same.



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For Petitioner : Mr.M.N.Ramkumar
For Respondent : Mr.C.Venkateshkumar,
No.1 Special Government Pleader
For Respondent : Mr.J.Lawrance
No.2 in both Wps

COMMON ORDER

The management has filed these writ petitions as against the award passed by the Labour Court, Tiruchirappalli in ID Nos.162 and 163 of 2006, dated 27.10.2017.

2.The private respondents / workmen of the petitioner management have raised industrial disputes under Section 2(A) of the Industrial Disputes Act before the conciliation officer that they were not provided with proper safety equipment, medical expenses in case of accident, monthly salary, leave salary, bonus and they were compelled to work overtime without even wages for the same. For having complained before the conciliation officer, the workmen were not permitted to continue the work and they were terminated from service. Therefore, the workmen have raised above industrial disputes and the Labour Court passed an award ordering for reinstatement with continuity of service on



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the ground that they were orally terminated. Challenging the same the petitioner management has filed these writ petitions.

3.The learned counsel for the petitioner management submits that the workmen were absent for duty unauthorisedly and they were intending to take action against them. However, they had raised issue before the conciliation officer. The management has replied before the conciliation officer that the workmen were not terminated from service. Even after this reply, the workmen had not reported to duty and it is admitted by LW1 in his cross examination. Further the oral termination is not proved by the workmen by way of evidence. The Labour Court has passed the award based on the oral evidence alone without any corroboration. This award has been passed after a period of 12 years and the workmen are the cause for this delay and the main petition was dismissed for default on two occasions.

4.The learned counsel for the workmen submits that the workman S.Vincent Antony has met with an accident on 07.11.2003 during work, since they had to work without safety equipment. Therefore, these



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workmen have raised disputes with the management and have also demanded safety equipment, but they have not provided the safety equipment. Therefore, they have lodged complaints before the conciliation officer. For having raised the issue before the conciliation officer, they were not permitted to work and they were orally terminated. Therefore, they have raised industrial dispute before the Labour Court.

5.The learned counsel further submits that management has also taken a stand in their counter affidavit before the Labour Court that these workmen are refusing to work overtime and according to him, even if they work overtime, they do not pay the wages for the same. Further they did not provide safety equipment, in case of any accident they do not bear the medical expense, they do not pay leave salary and bonus. Therefore, according to him, for having raised the issue before the conciliation officer, the management has orally terminated them. The Labour Court has rightly considered the evidence and documents and passed the award and therefore, there is no need to interfere with the same.



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6.This court considered the rival submissions made and perused the materials placed on record.

7.The case of the management is that the respondent / workmen were unauthorisedly absent from duty. They were intending to contemplate disciplinary proceedings for their unauthorised absence and they have not terminated them. However the workmen have raised industrial disputes.

8.The contention of the workmen is that they were working in the petitioner establishment from the year 1994. According to the management they were working from the year 1998. The management has also produced the attendance register before the Labour Court and the same is marked as Ex.M1. Though the petitioner management claims that the workmen were unauthorisedly absent, they have not issued any notice calling their explanation for their unauthorised absence and the stand of the management is that they have not been terminated.



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9.The cause of the industrial dispute is that the workmen have demanded certain benefits from the management. Considering the stand of the management that they have not initiated any disciplinary proceedings as against the workmen, the Labour Court found that the management has orally terminated them and therefore, ordered for reinstatement of service with continuity of service without back wages.

10.Though there is a dispute with regard to the period of service of the workmen, they were working from the year 1998, which is proved through the attendance register marked as Ex.M1 by the petitioner management, however, the management has failed to prove the absence period by the workmen before the Labour Court. Though the management claims that these workmen were unauthorisedly absent for several times, they have not issued any notice calling upon explanation from them. On the other hand, the workmen have raised industrial disputes before the conciliation officer that the management has not provided safety equipment, salary, leave salary and they have not issued any notice for their unauthorised absence, therefore this court is not inclined to interfere with the award passed by the Labour Court.



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Accordingly, these writ petitions are dismissed. No costs. Consequently
connected miscellaneous petitions are closed.

29.10.2025

Internet : Yes / No

DSK

To

The Presiding Officer,
Labour Court,
District Court Complex,
Tiruchirappalli.



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B.PUGALENDHI, J.

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