



W.P.(MD) Nos.18104 of 2016 & 17213 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.18104 of 2016 & 17213 of 2019

and

W.M.P.(MD) Nos.13057 of 2016 & 13861 of 2019

W.P.(MD) No.18104 of 2016:

The Management
D.R.L.(S).11, Alanganallur
Co-operative Primary
Agricultural and
Rural Development Bank
Alanganallur
Madurai District

... Petitioner

-vs-

1.The Presiding Officer
Labour Court, Madurai

2.K.Santhanam (Died)

3.S.Santhanaraj

4.S.Ayyanraj
[R3 & R4 are impleaded *vide* Court
order dated 22.08.2023 in W.M.P.
(MD) No.13026 of 2019]

... Respondents



W.P.(MD) Nos.18104 of 2016 & 17213 of 2019

WEB COPY **PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the impugned award passed by the first respondent, dated 30.04.2015, in I.D.No.44 of 2014, and quash the same.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.R.Ragavendran
Government Advocate for R1
R2 – Died
Mr.J.Anandkumar for R3 & R4

W.P.(MD) No.17213 of 2019:

1.S.Santhanaraj

2.S.Ayyanraj

... Petitioners

-vs-

The Management
D.R.L.(S).11, Alanganallur
Co-operative Primary
Agricultural and
Rural Development Bank
Alanganallur, Madurai District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the Presiding Officer, Labour Court, Madurai, dated 30.04.2015, passed in I.D.No.44 of 2014, and quash the same and consequently, direct the respondents to give backwages to the petitioners.



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For Petitioners : Mr.J.Anandkumar

For Respondent : Mr.R.Saravanan

COMMON ORDER

These two writ petitions have been filed against the Award, dated 30.04.2015, passed in I.D.No.44 of 2014, on the file of the Labour Court, Madurai.

2. For the sake of convenience, the parties are referred to as they are arrayed in W.P.(MD) No.18104 of 2016.

3. The second respondent / workman raised a dispute under Section 2A(2) of the Industrial Disputes Act, 1947 questioning the order of retrenchment dated 20.10.2009, passed by the petitioner – Management. The learned Labour Court, by the impugned Award dated 30.04.2015, quashed the retrenchment order and directed reinstatement of the second respondent into service with continuity of service, however, denied backwages. Aggrieved by the said Award, the petitioner – Management has filed W.P.(MD) No.18104 of 2016.



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4. During the pendency of the said writ petition, the second respondent / workman died on 14.03.2018 and accordingly, the respondents 3 & 4, being his legal representatives, were brought on record.

5. While so, the respondents 3 & 4 herein filed W.P.(MD) No. 17213 of 2019 challenging the very same Award dated 30.04.2015 and claiming for grant of backwages with effect from 20.10.2009 till the date of the the impugned Award.

6. The second respondent / workman was alive for about three years, after passing of the impugned Award dated 30.04.2015. For the reasons best known, the second respondent has not chosen to question the said Award. But, it is only after the demise of the second respondent on 14.03.2018, the respondents 3 and 4 herein have filed W.P.(MD) No.17213 of 2019 claiming for grant of backwages.

7. As the second respondent / workman himself has not chosen to question the impugned Award during his lifetime, though he was alive for about three years after passing of the impugned Award, this Court presumes that the second respondent felt that he is not entitled for backwages and



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therefore, he has not chosen to question the same. As the second respondent himself thought it fit not to challenge the impugned Award and claim backwages and accepted the impugned Award, in the considered view of this Court, the respondents 3 & 4 herein, who are petitioners in W.P.(MD) No. 17213 of 2019, are not entitled to challenge the award after the demise of the second respondent. Further, the said writ petition was filed on 29.07.2019 i.e., after a lapse of more than four years since the date of the impugned Award i.e., dated 30.04.2015. Thus, there is a delay in filing the writ petition.

8. In the light of the above, this Court is not inclined to entertain the writ petition in W.P.(MD) No.17213 of 2019.

9. Coming to the writ petition filed by the Management i.e., W.P. (MD) No.18104 of 2016 is concerned, the learned Labour Court came to the conclusion that the retrenchment order dated 20.10.2009, passed by the petitioner – Management, cannot be sustained, on the ground that the witness examined by the petitioner – Management has admitted, during his cross-examination, about engaging a third party after the retrenchment of the second respondent / workman from service and thus, came to the conclusion that the retrenchment of the second respondent is not warranted on the



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grounds on which the retrenchment order dated 20.10.2009 was issued. As the witness examined on behalf of the petitioner – Management himself admitted about engaging a third party, after retrenching the petitioner and there is no justifiable explanation offered by the petitioner – Management either denying the same or explaining the same sufficiently, this Court is unable to find any error or irregularity much less perversity in the impugned Award passed by the learned Labour Court.

10. The scope of interference by this Court, while exercising certiorari jurisdiction under Article 226 of the Constitution of India, is very limited and it is only in case if there is any perversity in the orders passed by the learned Labour Court or in case if the Award passed by the learned Labour Court is based on inadmissible evidence or in ignorance of the relevant evidence, this Court will interfere with the Award passed by the Labour Court. But, in the instant case, a perusal of the impugned Award discloses that the reasoning assigned by the learned Labour Court is very sound and basing upon the evidence available on record especially, the admission made on behalf of the petitioner – Management. Therefore, in the considered view of this Court, the impugned Award dated 30.04.2015, passed in I.D.No.44 of 2014, on the file of the Labour Court, Madurai, needs no interference by this Court.



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11. Accordingly, both the writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

04.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Presiding Officer,
Labour Court, Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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of 2019
and
W.M.P.(MD) Nos.13057 of 2016 &
13861 of 2019

04.03.2025