



W.P.(MD).No.20176 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20176 of 2017

and

W.M.P(MD) No.16456 of 2017

M/s.Lakshmi Vilas Bakery,
Through it's Proprietor P.Ratheesh,
S/o.E.Ponnaiah,
North Street,
Marthandam and Post,
Kanyakumari District.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Tirunelveli.

2. T.Ponnappan Nadar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned award dated 07.08.2017 passed by the first respondent in I.D.No.12 of 2017 and quash the same.

For Petitioner : Mr.M.P.Hariprasad



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For R1 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For R2 : Mr.R.Thangasamy

ORDER

The Management of a Bakery has filed the present Writ Petition challenging the award of the Labour Court in I.D.No.12 of 2017, on the file of the Labour Court, Tirunelveli, dated 07.08.2017, wherein, the Labour Court has set aside the oral termination and has directed to pay four months wages to the workman till the date of his superannuation.

2. A perusal of the Labour Court Award reveals that the second respondent herein has raised dispute that while he was working in the writ petitioner Bakery he was orally terminated on 06.02.2016. The Management has taken a defence that M/s.Lakshmi Vilas Bakery was owned by his father, namely, Mr.E.Ponnaiah and therefore, the son is not the owner of the Bakery. Apart from the said defence, no other defence was raised in the counter filed to the industrial dispute raised by the second respondent herein.



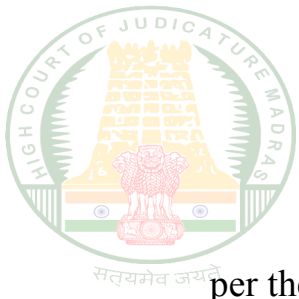
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3. The labour Court, after considering various documents filed on either side and the oral evidence has arrived at a finding that Mr.P.Ratheesh, is the owner of the “Lakshmi Vilas Bakery” and he is managing the said establishment.

4.The labour Court had relied upon Ex.W.10, which is a Certificate issued by the Headmaster of the School indicating the date of birth of the second respondent as 25.05.1958, assumed that the retirement age of the second respondent as 58 years and arrived at a finding that, he having been orally terminated four months prior to the superannuation, the workman is entitled to the salary of four months at the rate of Rs.3,000/- Rupees Three Thousand only) per month. This award of the Labour Court is under challenge in the present Writ Petition.

5. The learned counsel appearing for the writ petitioner/Management submitted that the workmen has produced two records to establish his date of birth, which are contradictory in nature. According to him, as per Ex.W.6, which is the EPF Ledger, the date of birth of the workmen is 02.03.1957. As



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per the Certificate issued by the Headmaster of the School under Ex.W.10, the date of birth of Workmen is 25.05.1958. In such circumstances, when there is contradictory documents produced on the side of the workmen, the Labour Court ought not to have taken into consideration Ex.W.10 and proceeded to pass an order granting four months salary.

6. Per contra, the learned counsel appearing for the second respondent/workmen had contended that the date of birth mentioned in the School Certificate would prevail over the date of birth mentioned in Ex.W.6. He further pointed out that, in case, if the date of birth is 02.03.1957 as per Ex.W.6, he would not have been permitted by the Management to work after his date of superannuation.

7.The learned counsel appearing for the respondent had further contended that the establishment started by the father was continued by his son and therefore, there is no dispute whatsoever that Mr.P.Ratheesh, is the Proprietor of the Bakery and therefore, he is liable to pay four months salary.



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8. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

9. A perusal of the counter filed by the Management reveals that the only defence that has been raised is that the Management is vested his father namely, Mr.E.Ponnaiah and not with his son, namely, Mr.P.Ratheesh.

10. The Workmen has produced the documents, namely Exs.W.1, W.7, W.8 and W.9 to indicate that the establishment was continued by his son namely, Mr.P.Ratheesh. In such circumstances, I am of the considered opinion that there is no reason to interfere with the finding of the award of the labour Court with regard to the management of his son namely, Mr.P.Ratheesh.

11. The labour Court has relied upon Ex.W.10 – Certificate issued by the Headmaster indicating that the date of birth of the second respondent is 25.05.1958. In such circumstances, the labour Court has correctly ordered payment of four months wages on the ground that the second respondent was orally terminated by the Management. In such circumstances, this Court does not find any reason to interfere with the award passed by the Labour Court and there are no merits in this Writ Petition.



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12. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

The Presiding Officer,
Labour Court,
Tirunelveli.



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R.VIJAYAKUMAR,J.

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