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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 27.02.2026

Orders pronounced on : **30.03.2026**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.33513 of 2024

Murugan (Died),
Suseela (Legal heirs of deceased Murugan)
No.17, Second Street
Devaki Nagar, Muthialpet
Puducherry

.. Petitioner

Versus

The Managing Director,
M/s.Strides Shasun Pharmaceuticals Limited,
R.S.No.33 & 34, Mathur Road,
Periyakalapet,
Puducherry.

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to impugned award, dated 31.08.2023 passed in I.D.(L) No.24/2017 on the file of the Industrial Tribunal-cum-Labour Court, at Puducherry and quash the same and consequently allow the claim petition filed by the petitioner and direct the respondent to settle entire monetary benefits to the petitioner, including back wages, bonus and all other attendant benefits, for left over service of the petitioner's deceased husband Murugan in the respondent company and pass such further or other orders.



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For Petitioner : Mr.Prakash Adiapadam

For Respondent : Mr.C.M.Mohana Sundaram

ORDER

A.The Writ Petition:

This Writ Petition is filed challenging the impugned award made in I.D. (L) No.24 of 2017 dated 31.08.2023 on the file of the Industrial Tribunal-cum-Labour Court, at Puducherry.

B.The Claim made by the Employee:

2. The factual background in which the Writ Petition arises is that *S.Murugan*, the husband of the petitioner – *Suseela*, joined the services of the respondent – management on 01.11.1980. At the time of joining, his date of birth was recorded as 04.08.1958, instead of 10.01.1964. During his employment, upon noticing the mistake, the employee submitted a request to the management along with a copy of the transfer certificate, asking to correct his date of birth to 10.01.1964 in his service records. When issuing a new identity card to employees, the management listed his date of birth as 10.01.1964. However, the management apparently did not update the service records accordingly. On 04.08.2016, when the employee reported for duty as usual, he was not allowed to join and was informed that he had been superannuated from service. Consequently, he was forcibly retired 6 years, 8 months, and 3 days before his actual superannuation date, which he claimed was



a violation of the standing orders. As a result, the employee filed a dispute concerning his non-employment. The Government of Puducherry referred the matter to the Labour Court for decision through Government Order dated 27.04.2017, raising the following questions:-

“(a) Whether the dispute raised by the petitioner Thiru. S.Murugan S/o Shenbagalingam, Muthialpet, Puducherry over re-instatement after correction of date of birth and back wages is justifiable or not? If justified, what is the relief titled to ?

(b) To compute the relief, if any awarded in terms of money, if it can be so computed?”

2.1. The claim was recorded as I.D.(L).No.24 of 2017. The employee submitted a claim statement on 23.06.2017. The management resisted the claim.

C.The Case of the Management :

3. It is the contention of the management that the employee was not a workman within the definition of Section 2 (s) of the Industrial Disputes Act, 1947. They further contend that the employee joined the erstwhile Shasun Pharmaceuticals Limited on 01.01.1980 and thereafter received periodical promotions, culminating in his last promotion from Senior Executive to Manager (Production) at the M/S Aldehyde plant, as per the order dated 29.02.2012. His role involves planning production on a shift basis, cross-checking the quality of raw materials, intermediates, and solvents, filling the Batch Production Record, raising samples during the production process, submitting MRMs to the service department, checking positive pressure and



weighing scales, allocating jobs to operators under his supervision, and reporting directly to him. The employee had pervasive control over the unit's entire production and supervised the work, being responsible for extracting work from the workers. He reported to the company's Senior Manager. Therefore, the industrial dispute is not maintainable.

3.1. When the dispute involves a single employee, it cannot be entertained under Section 2(k) of the ID Act. The employee's date of birth was recorded as 04.08.1958 in the records of the erstwhile Shasun Pharmaceuticals Limited, based solely on the employee's information. This date appears on his Provident Fund form, Employees' State Insurance Corporation nomination form, and all related documents. When the employee submitted a letter on 09.03.2015 to the company requesting correction of his date of birth, the company did not respond favourably and instead issued a letter dated 02.08.2016 stating his retirement date as 31.08.2016. The employee accepted this letter without objection. Later, he submitted a notarised affidavit dated 12.08.2016 along with his transfer certificate, which listed his date of birth as 10.01.1964. The transfer certificate also contained other discrepancies, such as his name being recorded as *G.Murugan* and his father's name as *T.Shenbagalingam Nadar*, whereas his service records listed his name as *S.Genbagalingam*. If the date of birth on the transfer certificate is assumed to be accurate, then he would have been only 16 years old when he joined the service.



The details on his identity card are not part of the official service records. Granting the relief sought would cause significant financial loss to the management, and thus, the claim petition should be dismissed.

D.The Trial and the Award:

4. With the above pleadings, when the Labour Court took up the enquiry, the employee examined himself as *P.W.1*. Pending trial, he died, and the present petitioner was thereafter examined as *P.W.2*. ***Ex.P-1*** to ***Ex.P-8*** were marked. On behalf of the management, *Selva Kumar*, Deputy General Manager (HR), was examined as *R.W.1*, and ***Ex.R-1*** to ***Ex.R-9*** were marked. The Labour Court then considered the case of the parties. It found that the petitioner's husband approached the respondent – company after completing 34 years of service, with only one year and five months left at the fag end of his career. The prayer for correction of the date of birth could not be entertained at this late stage of service. As per ***Ex.P-5*** – Standing Orders, the date of birth entered into the service records is the sole evidence, which also determines the date of retirement from the company. The Labour Court held that, with reference to the identity card, when the company was taken over from Shasun Pharmaceuticals Limited, the current company had requested information from the employees to issue new identity cards. Therefore, the date entered as 04.08.1964 was without proper reference to the service record details. From other credentials entered into the service records, the identity card cannot override the other evidence.



Hence, the Court found no merit in the claim petition and dismissed it.

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4.1. Aggrieved by the same, the present Writ Petition has been filed.

E.The Arguments by the Employee:

5. *Mr.Prakash Adiapadam*, the learned counsel appearing on behalf of the petitioner, would produce before this Court all the documents related to the birth of the employee. Apart from the marked document of the transfer certificate, all other documents, including the driving licence, voter ID, PAN card, and Aadhar card, bear the correct date of birth: 10.01.1964. Therefore, he would argue that merely because the employee was permitted to join the services at the age of 16 years, the incorrect detail cannot be perpetrated, as the mistake has to be corrected.

5.1. Upon reviewing Clause 4.5 of the certified Standing Orders, it clearly states that every workman will be issued an identity card showing his date of birth. The date of birth recorded on the service card shall be the sole evidence of his date of birth, including the determination of his retirement date from service. Therefore, he submits that when an earlier incorrect date was entered, it should be corrected. If the incorrect date is accepted without a justifiable reason, the employee shall be considered non-employed under the guise of superannuation, and therefore, he must be deemed to be in service. Subsequently, the said



Murugan died on 05.05.2019. Therefore, by treating him appropriately, the remaining benefits should be paid to the petitioner.

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F.The Arguments by the Management:

6. *Per contra*, the learned counsel appearing on behalf of the respondent-company would submit that all the service records, including PF, ESI, etc., only reflect the date of birth of the employee as 04.08.1958. Accordingly, upon reaching the age of superannuation on 03.08.2016, the employee retired from service effective from 31.08.2016. A communication dated 02.08.2016 was issued to the employee. In fact, if the date of birth now claimed by the Writ Petitioner is accepted as 10.01.1964, the employee would not have been 18 years old when he joined the company. The other documents now produced before this Court were not marked before the Labour Court. There were discrepancies in the transfer certificate, which was also obtained belatedly from the school authorities. During his service, the employee took no steps except to submit a letter at the end of his service. In any case, he is a Manager and cannot be considered a workman.

G.Discussion & Findings :

7. I have considered the rival submissions made on either side and perused the materials records of the case.



7.1. Regarding the maintainability of the industrial dispute, it is now settled that the designation alone will not be a decisive factor. Instead, the predominant nature of the work performed by the employee must be considered. Even during the cross-examination of the employee, it was only suggested that he can recommend granting leave; it was not stated that the employee had the authority to grant leave, conduct disciplinary actions, or control other workmen. The employee's educational qualification was eighth standard. The primary work claimed by the management itself appears to be of a skilled nature. Therefore, the management's contention that the employee is not a workman cannot be accepted and is rejected.

7.2. Regarding the merits of the case, although the Labour Court found that the request made at the end of the service cannot be accepted, the rule applicable to government service cannot *automatically* be applied to service in the respondent-company. As far as the respondent-company is concerned, it is admitted that **Ex.P-5** – Standing Orders govern the issue. Clause 4.5 of the Standing Orders is provided below for quick reference:-

“4.5. Every workman shall furnish attested photo copy of the certificate showing his date of birth to the employer at the time of entering into the employment. The following certificate shall be accepted as authentic proof of date of birth:

- (i) Matriculation or school Education or similar Educational authority, Board of Secondary Education or similar Educational authority.
- (ii) A certified copy of date of birth as recorded in the register of



Municipality or Register of Births.

(iii) If no birth certificate from aforesaid authorities is available, the recorded decision of the employer or any person duly authorised in this behalf in consultation with company's Medical Officer or Medical Board regarding the age of any workman shall be final and binding on the workman. Where correct date of birth is not available and only the year of birth is duly established, 1st July of the said year shall be taken as the date of birth.

(iv) The date of birth once entered in the service card shall be sole evidence of the workman including fixation of date of retirement from the service of the company. The date of birth of the workman already entered is binding and final and shall not be allowed to be altered under any circumstances what-so-ever.”

7.3. Therefore, Clause 4.5.5 clearly states that the date of birth entered in the service card shall serve as evidence. The issue of the identity card is mentioned in Clause 8, which is reproduced below:-

“8. IDENTITY CARD:

8.1.1. Every workmen will be provided with an Identity card, or other means of identification, which the employee shall wear / display prominently while within the establishment.

8.1.2. Any workmen failing to comply with the above provision shall be liable to be shut out of employment if the employee has already entered the premises. The workmen shall also be liable for disciplinary action.

8.1.3. The workmen shall while leaving the services of the company surrender the Identity card to the Manager.”

7.4. It does not read as if it is extracted in paragraph No.4 of the affidavit filed in support of the Writ Petition. Therefore, it cannot be said that the date of birth mentioned in the identity card alone is significant. Even with reference to it, one can presume that if the correct date of birth has already been entered into the identity card, it can be argued that the management also represented to the



employee as if they had corrected the date of birth. However, the date of birth now claimed is 10.01.1964, whereas in the said identity card, it is mentioned as 04.08.1964. Thus, the Labour Court accepted the version given by the management that when the new management took over and a new identity card was issued, showing the new company's name, it was the employee who provided the details. When the employee furnished details that are neither his actual date of birth nor the one recorded in the service register, and a new date altogether is noted as 04.08.1964, this does not confer any right on the employee.

7.5. It is true that all other documents relating to the deceased husband of the petitioner show his date of birth as only in the year 1964. But it must be borne in mind that only the petitioner's husband declared his date of birth as 1958. As seen, this is also reflected in the service records and in **Ex.R-3** – Employees State Insurance Corporation records, etc. Furthermore, it is evident from the letter dated 02.08.2016 that the petitioner's husband was informed of his superannuation and that he would attain the age of superannuation on 31.08.2016. Therefore, the claim that the petitioner's husband was taken by surprise when he went to the company on 04.08.2016 and was told he was no longer employed cannot be accepted.



8. For all the reasons mentioned above, the award of the Industrial Tribunal cum Labour Court, made in I.D.(L) No.24 of 2017 dated 31.08.2023, cannot be interfered with. Therefore, finding no merit, this Writ Petition is dismissed. There will be no order as to costs.

The Section Officer
VR Section, High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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