

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:28-03-2005

Coram:

The Honourable Mr. MARKANDEY KATJU, Chief Justice
and

The Honourable Mr. Justice F.M. IBRAHIM KALIFULLA

W.A. No.1536 OF 1998

and

W.A. No.2124 OF 1999

The Management of Poogavanam
Silk Factory, rep. by N. Shanmugam, Arani :: Appellant in WA 1536/1998
R1 in W.A.No.2124 of 1999

:versus:

1. The Labour Court
Vellore-5 :: R1 in W.A. No.1536/1998
North Arcot-Ambedkar District R2 in W.A. No.2124/1999
2. C. Ramdoss :: R2 in W.A. No.1536/1998
Appellant in WA 2124/99

Appeal under Cl.15 of the Letters Patent against the order
dated 2-2-1998 in W.P. No.18578 of 1993.

For Appellant in WA.1536/98
and For Respondent-1
in WA.2124/99 :: Mrs. Sriranjani
for Suryaprakasam.

For Appellant in WA.2124/99
and Respondent-2
in WA.1536/98 :: Mr. D. Hariparanthaman

For Respondents-2 :: Court

JUDGMENT

(Delivered by the Honourable The Chief Justice)

Aggrieved by the impugned order, dated 2-2-1998, passed by
the learned single Judge, the Management as well as the workman have
preferred these writ appeals.

2. The dispute between the parties is whether the second respondent was a 'workman' under the appellant Management. An industrial dispute was raised by the second respondent workman, alleging that he had worked in the appellant's factory since 25-1-1979 but he was terminated from service in the year 1987. The dispute was referred to the labour court where the appellant contended that the second respondent was never employed by the appellant. The finding of fact recorded by the labour court is that the second respondent had been in the employment of the appellant. The Management challenged the award of the labour court in the writ petition and the learned single Judge quashed the award of the labour court and allowed the writ petition. The learned single Judge, however, in paragraph 13 of the impugned order directed the reinstatement of the respondent-workman with full backwages and all other attendant benefits. Aggrieved by the directions of the learned single Judge in paragraph 13 of the impugned order, the Management has filed W.A. No.1536 of 1998. The second-respondent workman also filed W.A. No.2124 of 1999 against the impugned order, quashing the award of the labour court.

3. We have heard the learned counsel for the parties and have perused the records. The finding of fact recorded by the labour court is that the second respondent was a workman under the appellant-Management. There is evidence in support of this finding. In writ jurisdiction, this Court cannot interfere with a finding of fact unless such finding of fact is based on no evidence. Adequacy of evidence is not a ground for interference in writ jurisdiction. Under Art.226 of the Constitution this Court cannot act as an appellate court and re-appreciate the evidence to go into the merits or demerits of the findings of fact recorded by the labour court. There was, in our opinion, also no misreading of evidence by the labour court. The labour court gave a finding that the second respondent workman was removed from service due to enmity between the father of the second respondent and the Managing Partner of the appellant firm. We cannot interfere with this finding of fact or the finding of fact recorded by the labour court that the second respondent workman was an employee under the appellant. However, we are of the opinion that the directions of the learned single Judge in paragraph 13 of the impugned order are unsustainable. We, therefore, while confirming the award of the labour court, delete the directions given by the learned single Judge in paragraph 13 of the impugned order.

3. The writ appeals are disposed off. Connected C.M.P. No.16934 of 1998 is closed.

Jai

28-03-2005

Sd/
Asst.Registrar

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Sub Asst.Registrar

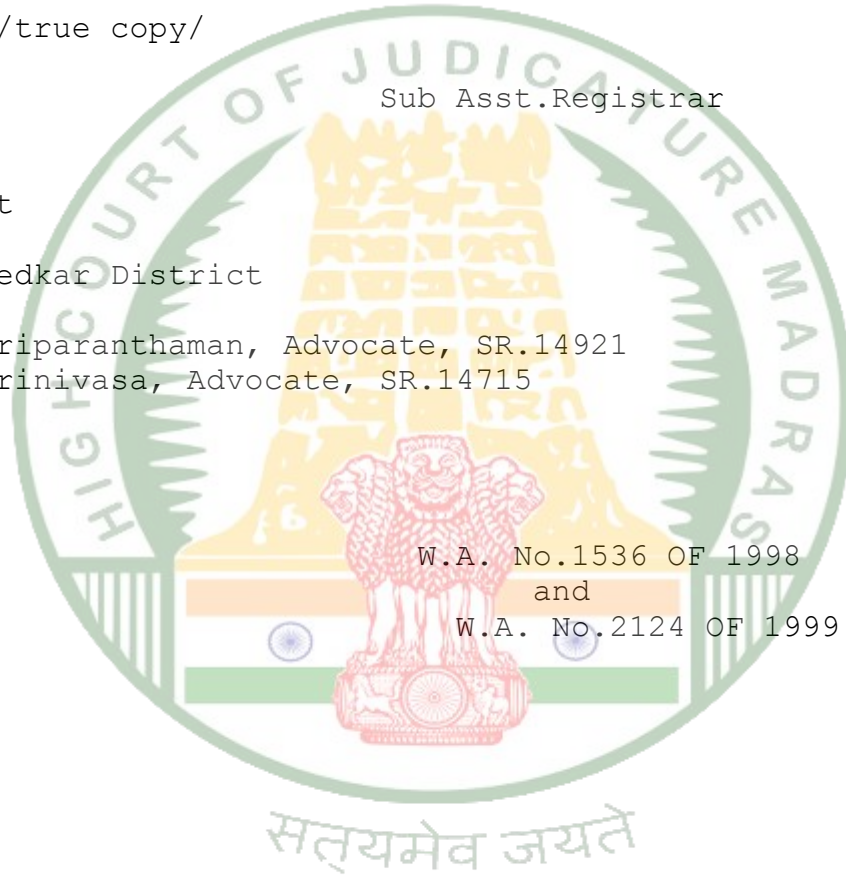
To:

The Labour Court
Vellore-5
North Arcot-Ambedkar District

1 cc to Mr.D.Hariparanthaman, Advocate, SR.14921
2 ccs to Mr.C.Srinivasa, Advocate, SR.14715

ak (co)

dv



W.A. No.1536 OF 1998
and
W.A. No.2124 OF 1999

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