



WP.Nos.4136, 4141, 4142 & 4143/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 17.11.2025

PRONOUNCED ON 28.11.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP.Nos.4136, 4141, 4142 & 4143/2021

and

WMP.Nos.32038, 32039 & 32041/2025 & 4720, 4721, 4723 & 4725/2021

WP.No.4136/2021:-

The Commissioner
Corporation of Tiruppur
Tiruppur.

[Comprising erstwhile Veerapandi
Panchayat Claim Petition amended
as per order in IA.No.397/2012
dated 03.09.2012]

.. Petitioner

Versus

P.Murugesan

.. Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records/award passed by the Additional Labour Court, Coimbatore, made in ID.No.56/2011 dated 02.01.2018.



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WP.No.4141/2021:-

The Commissioner
Corporation of Tiruppur
Tiruppur.

[Comprising erstwhile Veerapandi
Panchayat Claim Petition amended
as per order in IA.No.396/2012
dated 03.09.2012]

.. Petitioner

Versus

K.Sekar

.. Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records/award passed by the Additional Labour Court, Coimbatore, made in ID.No.55/2011 dated 02.01.2018.

WP.No.4142/2021:-

The Commissioner
Corporation of Tiruppur
Tiruppur.

[Comprising erstwhile Veerapandi
Panchayat Claim Petition amended
as per order in IA.No.395/2012
dated 03.09.2012]

.. Petitioner

Versus



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V.Victor Arockiasamy

.. Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records/award passed by the Additional Labour Court, Coimbatore, made in ID.No.54/2011 dated 02.01.2018.

WP.No.4143/2021:-

The Commissioner
Corporation of Tiruppur
Tiruppur.

[Comprising erstwhile Veerapandi
Panchayat Claim Petition amended
as per order in IA.No.394/2012
dated 03.09.2012]

.. Petitioner

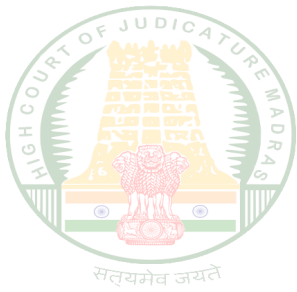
Versus

V.Antony Raj

.. Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records/award passed by the Additional Labour Court, Coimbatore, made in ID.No.53/2011 dated 02.01.2018.

For Petitioner in
all the Writ Petitions: Mr.Silambanan, Senior counsel



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for M/s.P.Shanthi

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For Respondent in
all the Writ Petitions: M/s.V.Porkodi

COMMON ORDER

- (1)The above writ petitions are filed by the petitioner/Corporation challenging the Awards of the Labour Court, dated 02.01.2018, passed in ID.Nos.56, 55, 54 and 53/2011, directing the petitioner/Corporation to reinstate the workmen with continuity of service within a month from the date of coming into force of the Award.
- (2)Since the facts and the issues raised in the writ petitions are common, the writ petitions are disposed of by this common order.
- (3)For the sake of convenience, the parties are referred to as 'the Corporation' and 'the workmen'.
- (4)The workmen were employed as Water Supplier [OHT] Operators in Veerapandi Village Panchayat from 14.01.2003, 02.02.2004, 10.04.1998 and 10.04.1998, and were paid wages of Rs.2,100/- per month. It was the case of the workmen that since they joined the Union, viz., CITU, the



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Panchayat did not pay them the salaries from December 2007 and when the workmen demanded the salaries, they were refused work from 10.01.2008 and 06.02.2008. The workmen raised disputes in 2009 and as the conciliation failed, the disputes were referred to the Labour Court in ID.Nos.56, 55, 54 and 53/2011. Before the Labour Court, the workmen pleaded that the Corporation, orally terminated them from services without conducting any enquiry, in violation of the provisions of the Industrial Disputes Act, 1947, and therefore, the termination was liable to be set aside. The workmen prayed for reinstatement, with continuity of services with full back wages and other attended benefits.

(5)The Corporation filed a counter before the Labour Court, admitted the employment of the workmen in Veerapandi Village Panchayat from 14.01.2003, 02.02.2004, 10.04.1998 and 10.04.1998, on wages of Rs.2,100/- per month. The case of the Corporation was that the workmen were not regular in reporting for work and that they were warned by the Corporation on several occasions for reporting to work irregularly. The Corporation denied the workmen's contention that due to active participation of the workmen in CITU, the Corporation terminated their

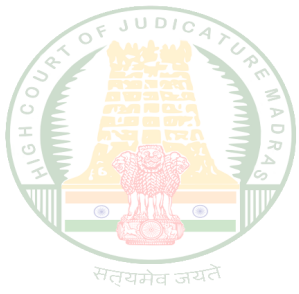


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services. The Corporation also contended that the erstwhile Veerapandi Panchayat, in which the workmen were working, was merged with the Tiruppur Corporation and that the said Panchayat was not in existence. The Corporation further contended that the workmen had voluntarily stopped reporting for work after the merger of the Panchayat's operation with Tiruppur Corporation and only on coming to know of the merger, the workmen raised the dispute seeking employment with the Corporation. The Corporation further stated that since the workmen voluntarily abandoned their services without intimating the Panchayat, their names were not recommended in the list prepared by the Corporation for absorption. The petitioner/Corporation therefore prayed for the dismissal of the IDs.

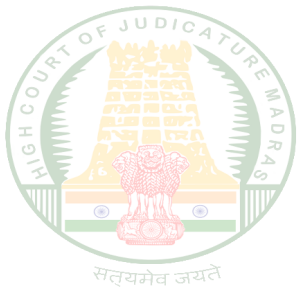
(6)The Labour Court, on assessment of facts and after framing necessary issues, found that the oral termination was illegal and therefore, directed reinstatement of the workmen with continuity of service, but without back wages and other attendant benefits. Aggrieved by the Award passed by the Labour Court, the Corporation has filed the above writ petitions for the aforesaid relief.



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(7)The learned Senior counsel appearing for the petitioner/Corporation submitted that the Labour Court failed to note that the burden of proof was on the workmen to prove the oral termination by evidence. The learned Senior counsel submitted that as the workmen failed to produce any document or evidence to prove the oral termination, the Labour Court, ought not to have shifted the burden of proving unauthorised absence on the Corporation. The learned Senior counsel, further submitted that the workmen had abandoned their services with Veerapandi Village Panchayat, and only on coming to know about the merger, the workmen raised the dispute. The learned Senior counsel, submitted that the petitioner/Corporation had taken earnest steps to know about the whereabouts of the workmen before finalization of the absorption list, but they could not be contacted and therefore, under the circumstances, the petitioner/Corporation could not be blamed for non-inclusion of the names of the workmen in the list prepared for absorption on merger. The learned Senior counsel therefore prayed to allow the writ petition.



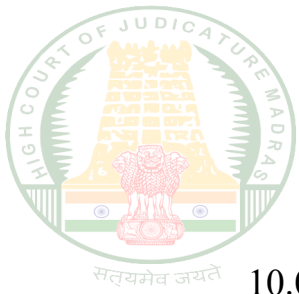
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(8)The learned counsel appearing for the workmen, on the other hand, submitted that the Labour Court, applied its mind to the facts and evidence on record, and concluded that there was an illegal oral termination, inasmuch as no enquiry was conducted nor the provisions of the Industrial Disputes Act, 1947, were followed. The learned counsel submitted that there was no perversity in the findings of the Labour Court. The learned counsel further submitted that on merger, the Corporation as successor-in-interest of the Veerapandi Panchayat, was liable to reinstate the workmen. The learned counsel prayed that as the termination was found to be illegal, the workmen, were entitled to full wages and the Award of the Labour Court in this regard deserved to be interfered with.

(9)Heard both sides and perused the materials placed on record.

(10)The facts are undisputed. The workmen challenged the oral termination as illegal and unsustainable. The Labour Court, on the basis of the admission of the petitioner/Corporation that the workmen worked in Veerapandi Panchayat from 14.01.2003, 02.02.2004, 10.04.1998 and



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10.04.1998, on wages of Rs.2,100/- per month, shifted the burden on the Corporation, to prove its case of abandonment of services by the workmen. The Labour Court found that the Corporation, failed to prove by reliable evidence its plea that the workmen had voluntarily abandoned the services. The submission of the Corporation, that it sent the Panchayat Assistant, Mr.Saminathan, to the residences of the workmen, for enquiry on their whereabouts, was rejected by the Labour Court on the ground of failure of the Corporation to examine the said Panchayat Assistant and for non-production of the enquiry report. The Labour Court found fault with the Corporation for failing to produce the Attendance Register or any other Register to prove its plea of voluntarily abandonment of services. The Labour Court, therefore rejected the plea of the Corporation that the workmen had voluntarily abandoned their services.

(11)On the specific contention of the workmen that the wages were not paid for the month of December 2007 and thereafter, they were refused permission to work, the Labour Court, found favour with them since, the Corporation failed to produce the Wage Register to establish the payment

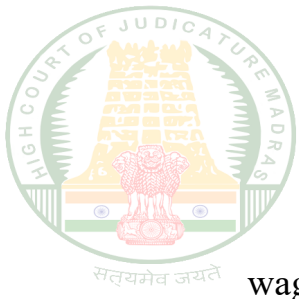


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of wages to the workmen. The Labour Court on Ex.M2-Proceedings, held that the Corporation ought to have included the names of the workmen, since it was aware that the dispute was pending since May 2009. The Labour Court held that the non-inclusion of the names of the Workmen in Ex.M2-proceedings/list, amounted to termination of services and since the termination was made without assigning any reasons and without following the principles of natural justice, the same was unjust, invalid and liable to be set aside. The Labour Court rejected the contention of the Corporation that the workmen were only casual workers engaged on daily wage basis and further the post of Water Supplier [OHT] Operator was not a permanent post, on the ground that there was no pleading or evidence in support of the said contention and that Ex.M2-proceedings clearly showed that the post of OHT Operator was a permanent post.

(12)The Labour Court denied back wages to the workmen on the ground of delay and failure to adduce evidence regarding non-employment. On the aforesaid findings, the Labour Court allowed the claim of the workmen by directing reinstatement and continuity of service, but without back



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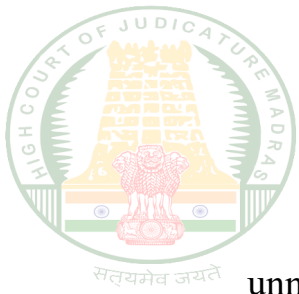
wages.

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(13) From the above discussions, it is clear that the Labour Court has returned its findings on the basis of the evidence adduced before it. The contention that the Labour Court ought not to have shifted the burden on the Corporation for proving the voluntary abandonment of service, cannot be countenanced for the reason that the Corporation admitted the employment and the wages paid to the workmen. Under the circumstances, the Labour Court rightly found that the burden shifted on the Corporation to prove that the termination was for valid reasons and as per law.

(14) Since the Labour Court found that the termination was illegal, it rightly directed reinstatement with continuity of service. The contention of the Corporation that the Panchayat is no more in existence and therefore, the Award of the Labour Court cannot be complied with, cannot be accepted .

(15) The learned counsel for the workmen produced several judgments in support of her contention that on merger, the Corporation was liable to reinstate the workmen, as successor in interest. The legal position as enunciated in the said judgments is undisputed. This Court finds it



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unnecessary to discuss the issue in detail, suffice it to state that on merger, the Corporation steps into the shoes of the Veerapandi Panchayat and so it is bound to reinstate the workmen. It is further pertinent to note that on merger, the Corporation, under Ex.M2-Proceedings, absorbed the workers of Veerapandi Panchayat and therefore it cannot be heard to say that it is not bound to reinstate these workmen, whose termination is found to be illegal. On the contention of the learned counsel for the respondent that, the Labour Court ought to have awarded back wages since it found the termination illegal, this Court is of the view that, award of back wages is not automatic, but is based on the facts of the case. The Labour Court on gainful non-employment, found that the respondent failed to prove the same and further, in Tiruppur Town, the need for labour was abundant since it was a textile hub. Moreover, the workmen have not chosen to challenge the part of the Award declining back wages. The Labour Court on facts found that the workmen did not evince keen interest to prosecute the case, since they allowed it to be dismissed for default and thereafter, filed for restoration. The Labour Court found that though the case was ripe for hearing in January 2013 itself, the lack of



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deligence of the workmen resulted in delay and hence, the workmen were bound to bear the consequences for the delay. This Court finds that the Labour Court has given cogent and justifiable reasons to disallow back wages and therefore, this Court finds no compelling reasons to interfere with the same.

(16) This Court therefore, finds no merits in the writ petitions and hence, they are accordingly **dismissed**. The petitioner Corporation is directed to comply with the Award of the Labour Court within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

28.11.2025

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Index : Yes / No

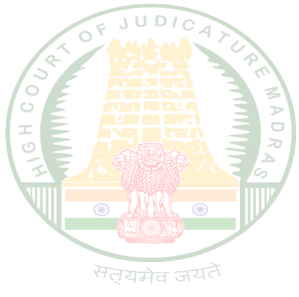
Internet : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

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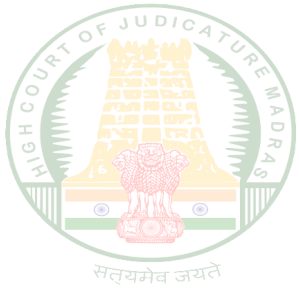
1. The Commissioner
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N.MALA, J.,

AP

Common Order in
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