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W.P.No.3551 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :12.08.2026

Pronounced on :21.08.2026

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE E.MANOCHARAN

Writ Appeal No.3551 of 2023
and
C.M.P.No.29035 of 2023

The Management of
Dynamics Technologies Limited
(JKM Automotive)\
JKM Park, F-67 and F-68
Sipcot Industrial Park,
Irungattukottai, Sriperumbudur,
Kanchipuram District.

Presently at
Dynamatic Technologies Ltd.,
JKM Plaza, Dynamatic Aerotropolis
#55, KIADB Aerospace Park,
Devanahalli, Bangalore 562 110.

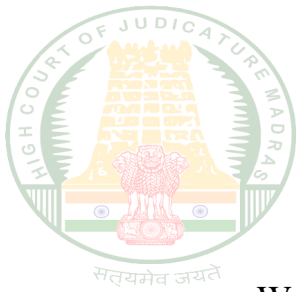
.. Appellant/petitioner

/versus/

1.T.Balachandar,
S/o Thirumalairaj
No.199, Anna Salai, Balaji Nagar,
Thimmasamudram Village,
Near white Gate,
Kancheepuram District 631 502.

2.The Presiding Officer,
1st Additional Labour Court,
Labour Court, Chennai.

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..Respondents/Respondents

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Writ Appeal has been filed under Clause 15 of the Letters Patent to set aside the order dated 16.10.2023 made in W.P.No.17632 of 2018.

For Appellant :Mr.M.Vijayan for
M/s King and Partridge

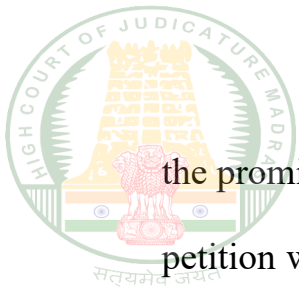
For Respondents :Ms M.Sreela for R1
R2-Labour Court in both cases

JUDGMENT

Dr.G.Jayachandran, J
And
E.Manoharan, J.

The Appellant herein is the manufacturer of Automobile spare parts, having its factory at SIPCOT Industrial Park, Sriperumbudur, Kancheepuram District.

2.The first respondent was employed as an “Operator Trainee” under the appellant-company in the year 1999. Later, he was confirmed as a permanent employee on 10.12.2000. On 11.06.2014, the appellant requested the first respondent not to report for duty from 13.06.2014 onwards, until further orders. However, the monthly salary was paid to him and the decision was taken by the management in view of the recession prevailing in the market. Alleging that under the guise of recession, the first respondent was denied employment and



the promised wages were not paid in full from the month of July 2014, the claim petition was filed by the first respondent seeking a direction to the management to pay monthly wages of Rs.29,780/- from the month of July 2014 to May 2015.

3. The claim petition was opposed by the management stating that the first respondent was initially appointed as an “Operator Trainee” on 19.05.1999 for a stipend of Rs.1,750/-. Later, he was made permanent and the wages were revised periodically. However, some of the disgruntled employees formed Union and started striking the work, which led to settlement under Section 18(1) of the Industrial Disputes Act, 1947. While the fact being so, the management confronted heavy recession in the automobile industry leading to a decision to scale down its production activity. As a result, the first respondent and many other workmen were asked not to report for duty from 13.06.2014 until further orders. However, it was promised that the wages will be paid. This was done by the management to avoid idling of the workmen inside the factory premises. Thereafter, to impart training and to develop the skill, the management decided to send the petitioner and few others for training at Nettur Technical Training Foundation (NTTF) in Dharwad. Accordingly, the letter was issued to the first respondent on 05.07.2014 directing him to report at Nettur Technical Training Foundation (NTTF), Dharwad, where he was deputed for a period of three months. The respondent was expected to report for duty to Bangalore on or

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before 21.07.2014. However, he failed to report, as per the instruction. The first respondent did not respond for the transfer order expressing any difficulty in reporting at the transferred place. Again the first respondent was advised to report before the Nettur Technical Training Foundation (NTTF), Dharwad, as per the letter dated 10.07.2014 and a reminder letter dated 23.08.2014 was also sent to him indicating that if he refused to report for duty at Nettur Technical Training Foundation (NTTF), Dharwad, it will amount to willful in subordination and disobedience of lawful order.

4. From the date on which the transfer order dated 05.07.2014 in which he was required to join duty at Nettur Technical Training Foundation (NTTF), Dharwad, on or before 10.07.2014, till date, the first respondent did not report duty at the place of transfer. Thus, it is obviously clear that the first respondent is not inclined to join duty or obey the order of transfer as requested by the management. After the notice of holiday with pay, the first respondent was asked to undergo training in NTTF at Dharwad by letter dated 05.07.2014. Suppressing the transfer order and the reminders through communications dated 23.08.2014, 04.10.2014 and 01.12.2014, claim petition was filed by the first respondent. In such circumstances the claim petition under Section 33C(2) of the Industrial Disputes Act, 1947, is not sustainable.



5. The I Additional Labour Court, after considering the rival submissions and the evidence let in by the claimant as well as the management, allowed the claim petition to the effect that the management has to pay the salary from July 2014 to May 2015, after deducting the salary already paid to the claimant for the month of July, amounting to Rs.10,060/-. The award of the I Additional Labour Court dated 22.12.2017 in C.P.No.332 of 2015 was challenged by way of Writ Petition by the management before the High Court in Writ Petition No.17632 of 2018.

6. The Learned Single Judge, after appreciating the grounds raised in the Write Petition, dismissed the writ petition filed by the management and confirmed the award passed by the I Additional Labour Court in C.P.No.332 of 2015, dated 22.12.2017.

7. The management, in the intra-court appeal, attacked the order of the learned Single Judge on the ground that, in view of the recession faced by the management, which initially led to reduction of work strength and thereafter, temporarily to send the workmen for technical training, at Nettur Technical Training Foundation(NTTF), Dharwad. The bonafide decision of the management has not been properly considered by the learned I Additional Labour Court as well as the learned Single Judge. While the first respondent had knowledge about the communication regarding the training at Nettur Technical

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Training Foundation(NTTF), Dharwad, through communication dated 05.07.2014, he did not respond to the communication by reporting at Nettur

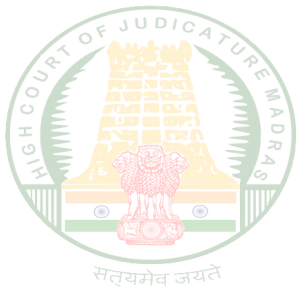
Technical Training Foundation(NTTF), Dharwad, contrarily filed C.P.No.332 of 2015. The first respondent, who is bound to explain his refusal to obey the order of transfer to undergo skill training, cannot sustain the claim petition as if he was disengaged without pay and without any reasonable cause.

8. On perusal of the award passed by the I Additional Labour Court, we find that Ex.P4, dated 11.06.2014 is an intimation to the first respondent regarding the paid holidays, in view of the recession and lack of adequate orders. The transfer order contains reason and the bonafide of the reason is not in question. The order of transfer to undergo skill training at Nettur Technical Training Foundation(NTTF), Dharwad, for a period of two months also does not bristle with any malafide. The tenor of the communication would clearly show that the management has taken a honest decision to engage its employee during the recession period by imparting skill training.

9. For better understanding the communication dated 05.07.2014 is extracted as below:-

“05.07.2014

To
Mr. T.Balachandar
Emp. No.83



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W.P.No.3551 of 2014



Dear Mr. T.Balachandar,

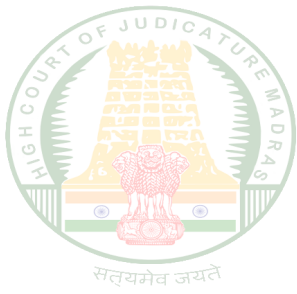
You are aware that the Automobile Industry has been facing fierce competition and often our customers are complaining that our products do not meet the quality requirements. The rejection ratio of our products, as on date, stands the level of 9,000 parts per million (PPM). However, our customers are not willing to tolerate with us even to the level of 10 PPM of our products.

In the above circumstances, unless we improve the quality of products, we may end up losing the business with our customers and it may affect the company's prospects very badly.

Your current technical skills do not match the customers' requirements. In these circumstances, in order to ensure the quality of our products to remain competitive in the market, it is necessary to enhance your technical skills in Manufacturing Technology, CNC Technology, Personality Development and behavioural skills. As a result of which, the Management has organised a comprehensive skill development programme to train the employees in the areas mentioned above.

It is in the above circumstances, it has been decided to send you for a training programme with effect from 10th of July 2014 to develop your skills in the functional areas like. Manufacturing Technology, CNC Technology, Behavioural Skills and Personality Development. The training will be given by the renowned and nationally acclaimed institution viz., NTTF at Dharward.

- 1.During the tenure of the training programme, you will be bound by the rules and regulations of the training institute viz., NTTF.
- 2.The tenure of the Training programme will be minimum of three months, and may be extended based your academic skills.
- 3.During the training programme, you will be provided with Food and Accommodations facilities.
- 4.The course materials will be provided for you to get the active participation in that training programme.
- 5.At the end of the training programme, a test will be conducted by NTTF and you are required to pass the test in order to receive the certificate of completion of training, in case, if you're unable to pass the tests, the training will be extended for a further period as may be determined by the management.



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W.P.No.3551 of 2014



Kindly note that, the management is incurring considerable expenditure in importing training to you in the aforesaid aspects and hence, you are expected to make use of this opportunity to enhance your skills.

In order to enable you to undergo the training on the various aspects referred to above, you are hereby exempted from reporting for duty to the Company with effect from T* of July – 2014.

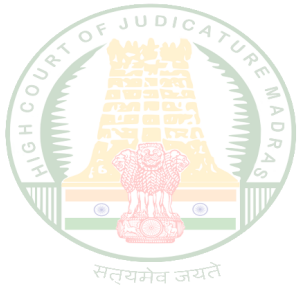
You are entitled for wages during the period of your training as if you had attended duty. If it is reported that you failed to report for training in a particular day, it'll be treated as absence without notice and kindly note that you're not entitled for any wages for the day of your absence.

Kindly report for training at Nettur Technical Training Foundation (NTTF), post Bag No.29, Pune, Bangalore Road, Dharward - 580 001 and you can meet Mr.Srinivasa Rao. - Manager Training, of NTTF for further instructions

For Dynnamic Technologies Limited,

sd/-xxxxxx,
S.Uppili,
EXECUTIVE DIRECTOR”

10. However, the fact that the said communication was never received by the first respondent, has been recorded by the I Additional Labour Court as well as the learned Single Judge. In the said circumstances, the number of reminders following the first order of transfer/deputation for training may not be sufficient to deprive the agreed wages, as per the communication dated 11.06.2014 which is marked as Ex.P4. As a result, we are not inclined to interfere with the order of the I Additional Labour Court as confirmed by the learned Single Judge.



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11. Accordingly, ***this Writ Appeal stands dismissed.*** No order as to costs.

Consequently, connected Miscellaneous Petition is also closed.

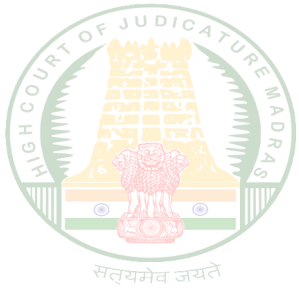
(Dr.G.Jayachandran, J.) (E.Manoharan, J.)
21.08.2026

Index:yes/no

Neutral citation:yes/no
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To

The Presiding Officer,
1st Additional Labour Court,
Labour Court, Chennai.



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W.P.No.3551 of 20



Dr.G.JAYACHANDRAN, J.
AND
E.MANOCHARAN, J.

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delivery Judgment made in
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