



W.P(MD)No.24901 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.24901 of 2022

and

W.M.P(MD)No.19006 of 2022

The Management,
Pothys Retail (P) Limited,
Formerly known as Pothys (Textile Company),
3, North Car Street,
Tirunelveli Town,
Tirunelveli District.

... Petitioner

Vs

D.Muthukrishnan

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned award dated 30.08.2022 passed by the Labour Court, Tirunelveli in I.D No. 73 of 2019 and quash the same as illegal.

For Petitioner : Mr.M.E.Ilango

For Respondent : Mr.D.Saravanan



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ORDER

The present Writ Petition has been filed challenging the award dated 30.08.2022 passed in I.D. No.73 of 2019 by the Labour Court, Tirunelveli.

2.The learned counsel appearing for the petitioner submitted that the petitioner is a reputed textile establishment engaged in the business of selling textiles, garments and other allied products, having about 14 showrooms across South India. The respondent was employed as a Salesman in the petitioner's establishment from the year 1991.

3.It is the case of the petitioner that on 19.04.2019, when there was heavy customer crowd in the showroom, the respondent entered into a verbal altercation with a customer and behaved in a rude and discourteous manner. Owing to the respondent's conduct, the customer allegedly declined to purchase textiles worth about Rs.60,000/-, thereby causing financial loss to the petitioner establishment. Consequently, the Management decided to



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conduct an enquiry into the respondent's conduct. According to the petitioner, before any formal disciplinary proceedings could be concluded, the respondent voluntarily abandoned his employment.

4. Aggrieved by the said action of the Management, the respondent raised an industrial dispute in I.D.No.73 of 2019 before the Labour Court, Tirunelveli. The Labour Court, by award dated 30.08.2022, directed reinstatement of the respondent with continuity of service and 50% back wages. Challenging the said award, insofar as it relates to the grant of 50% back wages, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner fairly submitted that, during the pendency of the present Writ Petition, the respondent has already been reinstated into service. It is further submitted that he has been granted continuity of service, annual increments and has also been promoted. Therefore, the petitioner is confining the challenge only to that portion of the award directing payment of 50% back wages. The



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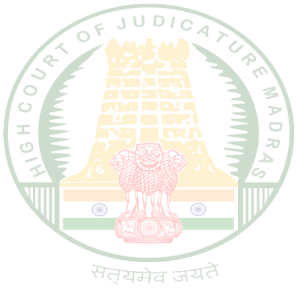
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learned counsel submitted that, considering the subsequent developments and the respondent having already been reinstated with all attendant service benefits, this Court may suitably modify the award by fixing a reasonable percentage towards back wages.

6.The learned counsel appearing for the respondent fairly submitted that the respondent has no serious objection if this Court fixes a reasonable percentage of back wages and left the matter to the discretion of this Court.

7.This Court has considered the submissions made on either side and perused the materials available on record.

8.It is not in dispute that, pursuant to the award passed by the Labour Court, the respondent has already been reinstated into service. It is also not disputed that he has been granted continuity of service, annual increments and has subsequently been promoted. Thus, the only surviving



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WEB COPY issue for consideration in the present Writ Petition is with regard to the quantum of back wages.

9.It is well settled that the grant of back wages is not automatic upon an order of reinstatement and depends upon the facts and circumstances of each case. While awarding back wages, the Court is required to balance the equities between the parties, taking into account the nature of the misconduct, the conduct of the workman, the delay in adjudication, and the subsequent developments.

10.In the facts of the present case, this Court is of the view that the award of 50% back wages requires some modification. Considering that the respondent has already been reinstated into service with continuity of service, annual increments and promotion, and bearing in mind the overall facts and circumstances of the case, this Court is of the opinion that the ends of justice would be met by restricting the back wages to 30% instead of 50%.



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11. Accordingly, the award dated 30.08.2022 passed by the Labour Court, Tirunelveli, in I.D. No.73 of 2019 is modified to the extent that the respondent shall be entitled to 30% back wages, in place of 50% back wages, while the remaining portions of the award shall stand confirmed.

12. The petitioner Management is directed to calculate and disburse the 30% back wages payable to the respondent within a period of eight (8) weeks from the date of receipt of a copy of this order.

13. With the above modification, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No

Index : Yes / No

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To

The Labour Court,
Tirunelveli.



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M.DHANDAPANI, J.

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