

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Writ Appeal No.678 of 2016

and C.M.P.No.8970 of 2016

R.Muthuramalingam ..Appellant

Vs

1.The Presiding Officer
Labour Court,
Coimbatore-641 018

2.The Management
Sri Venkatesa Mills Limited
Palani Road
S.V.Mills Post
Udumalpettai-642 128
Tirupur District

..Respondents

Prayer : Writ Appeal filed against the order dated 23.03.2016 made in W.P.No.16946 of 2013 in so far as restricting the employment of the appellant with the 2nd respondent till the age of 58 years. WP.No.16946/2013: This writ petition is filed under Article 226 of the Constitution of India, seeking for a writ of Certioraritud Mandamus to Call for the concerned records from the 1st respondent quash the Award passed by the 1st respondent Labour Court in I.D.No.354 of 2001 dated 24.12.2012 in so far as awarding compensation of Rs.6 00 000/- in lieu of reinstatement and back wages interest and consequently direct the 2nd respondent to reinstate the petitioner with full back wages continuity of service and all other attendant benefits award costs

For Appellant :: Mr.R.Muthuramalingam
Party-in-Person
For Respondents :: R1-Court
R2- No appearance

JUDGMENT

(Order of the Court was made by HULUVADI G.RAMESH, J.)

Heard the Petitioner/Party-in-Person.

2. The present Writ Appeal is filed as against the order passed by the learned Single Judge dated 23.03.2016, in allowing in part the prayer sought for by the Writ Petitioner, in terms of quashing the Award passed by the first respondent-Labour Court in I.D.No.354 of 2001 dated 24.12.2012.

3. The learned Single Judge, while modifying the Award of the Labour Court directed the Management to notionally reinstate the appellant/workman with continuity of service and all attendant benefits and further as regards back wages for the period of non-employment, it is stated that the amount of Rs.6,00,000/- paid to the workman shall stand adjusted towards the full and final settlement of the claim for backwages and the petitioner cannot claim any further amount towards backwages. The learned Single Judge further held that the workmen is entitled for retirement benefits.

4. The order passed by the learned Single Judge has been recorded in favour of the appellant/petitioner to the maximum extent possible. We do not find any ground to elaborate the order further in favour of the appellant. Accordingly, the Writ Appeal is dismissed being devoid of any other merits. No costs. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Presiding Officer
Labour Court,
Coimbatore-641 018

+2cc to Mr.R. Muthuramalinam, Advocate, S.R.No.60736

trm (CO)
md (17/11/2016)

W.A.No.678 of 2016



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