

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.10.2017

Coram

The Hon'ble Mr. Justice T. Raja

Writ Petition No. 25753 of 2017

K. Sampath

... Petitioner

Vs.

1. The Presiding Officer
Labour Court, Salem

2. The Management
Southern Spinners & Process Pvt., Ltd.,
Kumarakottam, Pattukonampatti,
Pappireddypatti Circle,
Dharmapuri District

... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari and Mandamus in calling for the records in respect of the impugned award in I.D.No.95 of 2006 dated 27.09.2016 passed by the 1st respondent subsequently notified by proceeding R.C.No.A/326/2017 dated 15.06.2017 and quash the same and reinstate the petitioner in service with all back wages and monetary and other benefits.

For Petitioner : Mr. R. Ravanan

ORDER

Questioning the correctness of the impugned award passed by the Labour Court in I.D.No.95 of 2006 dated 27.09.2016, the petitioner has come forward with this Writ Petition.

2. The learned counsel appearing for the petitioner would submit that when the petitioner was removed from service on 11.07.2001, the 2nd respondent did not come forward to pass any order because it was only a oral termination. As the same was illegal, the petitioner made repeated requests to permit him to work with the 2nd respondent. Finding no response before the 2nd respondent, the petitioner raised a dispute before the Labour Officer, Krishnagiri. An attempt was made for re-conciliation, however, it ended in failure. Finally, the petitioner prosecuted his claim before the Labour Court, Salem, but, the learned Judge, Labour Court, Salem wrongly gave a finding that the petitioner having submitted his resignation letter voluntarily on 25.06.2001, received all the terminal benefits and the said fact was also established clearly by the

Management by producing the relevant documents, but the petitioner was not able to disprove the above case made by the Management, thereby dismissed the claim petition filed by the petitioner in I.D.No.95 of 2006. Hence this Writ Petition.

3. Heard the learned counsel appearing for the petitioner.

4. I also find that the Labour Court had rightly come to the conclusion that as the petitioner had submitted his resignation letter voluntarily on 25.06.2001, he was settled with all the terminal benefits. Only after long time, after a lapse of five years delay, the petitioner has raised industrial dispute before the Labour Court and no documents, or a piece of evidence whatsoever is produced before this Court to show that an attempt was made to approach the Conciliation Officer at any point of time. Therefore, I find no error warranting interference in the award passed by the Labour Court in I.D.No.95 of 2006 and hence, I am not inclined to entertain this Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

ssd

sd/
ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To

1. The Presiding Officer
Labour Court, Salem

+1 CC to Mr.Ravanan, Advocate Sr.No.71928

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GMI (CO)
MLT 14/11/2017

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