



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) Nos.16492 to 16495 of 2017

A.Kamaraj	: Petitioner in W.P. (MD) No.16492 of 2017
V.Anantharaj	: Petitioner in W.P. (MD) No.16493 of 2017
Pon Subramanian	: Petitioner in W.P. (MD) No.16494 of 2017
S.Antony Raj	: Petitioner in W.P. (MD) No.16495 of 2017

Vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The Management,
Madura Coats Mills Company Ltd.,
Papanasam Mills Post,
Vigramasingapuram,
Tirunelveli District.

3.The Human Resource Director,
Madurai Coats India Private Limited,
Head Office at Bangalore,
Karnataka - 560 005.

: Respondents in W.P. (MD) No.16492 of 2017

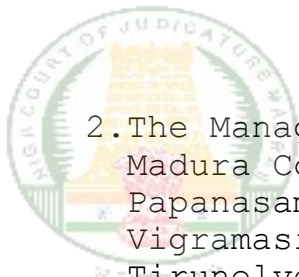
1.The Presiding Officer,
Labour Court, Tirunelveli.

2.The Management,
Madura Coats Mills Company Ltd.,
Papanasam Mills Post,
Vigramasingapuram,
Tirunelveli District.

3.The Group Industrial Relation Manager,
Madura Coats India Private Ltd,
Papanasam Mills Post,
Vigramasingapuram,
Tirunelveli District - 627 422.

: Respondents in W.P. (MD) No.16493 & 16494 of 2017

1.The Presiding Officer,
Labour Court, Tirunelveli.



2.The Management,
Madura Coats Mills Company Ltd.,
Papanasam Mills Post,
Vigramasingapuram,
Tirunelveli District.

: Respondents in W.P.(MD)No.16495 of 2017

WEB COPY

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the Preliminary awards dated 25.04.2016, 01.09.2016, 01.09.2016 and 07.08.2015, respectively and the final awards all dated 27.09.2016 passed by the first respondent Labour Court in I.D.Nos.36/2015, 14/2016, 13/2016 and 37/2014, respectively and quash the same and consequently to direct the first and second respondents to reinstate the petitioners with full back wages, continuity of service and all other attendant benefits.

For Petitioner : Mr.R.Karunanidhi
(In all writ petitions)

COMMON ORDER

By consent of both sides, all the writ petitions themselves are taken up for final disposal.

2.The petitioners while serving as workmen in the first respondent Mill at Papanasam, Tirunelveli District resorted to illegal strike and thereby causing production loss to the management. They had indulged in alleged misconduct by threatening the co-workers and also disobeying the orders of the management. That apart, they had also threatened the co-workers from doing their work.

3.Since, the efforts taken by them before the Deputy Commissioner of Labour were not fruitful, many workmen forced the management to declare lock out to the factory from 12.12.2012 to 19.01.2013. Finally a settlement was reached with all the trade unions except the newly formed trade unions on 19.01.2013. Members of the unions accepted the said settlement and enjoyed the benefit under the said settlement. Since some people like the petitioners who refused to take part in the settlement were subjected to disciplinary proceedings, they were awarded with thirty days suspension by way of punishment and some of them were transferred. The workmen who refused to pay heed to the union who accepted the settlement reached under Section 81 of the Industrial Disputes Act, were subjected to departmental proceedings by issuance of the charge memo. On receipt of the charge memos, the petitioners sent their reply. Thereafter, a domestic enquiry was also conducted. After complying with the Principles of Natural Justice, the enquiry officer found the petitioners guilty of all the charges. On the basis of the report submitted by the enquiry officer, the second



respondent Management passed an order of dismissal on 25.10.2013, dismissing the petitioners from service.

4. Aggrieved by the said orders of dismissal from service, the petitioners raised Industrial Disputes before the Labour Court, Tirunelveli. The Labour Court, after going into the preliminary issue whether the domestic enquiry was fairly and properly held, passed a preliminary award answering the question that the enquiry conducted by the enquiry officer was fair and proper. Proceeding further on raising questions whether charges were proved against the workmen and if so, whether the punishments were appropriate, the Labour Court refused to interfere into the punishment of dismissal from service on the ground that the labour court has no power to interfere into the quantum of punishment and passed a final award holding that the charges levelled against the petitioners were proved and the orders of dismissal are justified.

5. As against the final award passed by the Labour Court, the present writ petitions have been filed by the petitioners. The learned counsel for the petitioner in all writ petitions would submit that the petitioners are facing poverty from the date of dismissal. Therefore, he pleaded that some mercy may be shown to them.

6. The petitioners should have realised this problem when the management invited all the workers for settlement. Finally, when the management reached a settlement with all the trade unions except the newly formed unions, most of the similarly placed persons like that of the petitioners accepted the said settlement and only who refused to do so were placed under suspension for a period of thirty days, by way of punishment and some of the workmen were transferred. Only against the petitioners action has been taken by initiation of disciplinary proceedings. The petitioners failed to prove the charges framed against them as rightly held by the Labour Court both in the preliminary and final award. Hence, this Court does not find any infirmity in the preliminary and final awards passed by the Labour Court.

7. Accordingly, these writ petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Tirunelveli.

+4cc to Mr. R. KARUNANIDHI Advocate in SR. No. 76379

MYR

<https://hcservices.ecourts.gov.in/hcservices/>

JS/JC/SAR.1/16.11.2017/3P-6C

W.P. (MD) Nos. 16492 to 16495 of 2017

01.09.2017