



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.12305 of 2014

and

W.M.P (MD) No.1 of 2014

1.The Management of ABT Ltd.,
Coimbatore-18.

2.The Management of ABT Ltd.,
Trichy-8.

... Petitioners

Vs.

1.The Presiding Officer,
The Labour Court,
Trichy.

2.M.Ponusamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the first respondent in ID No.220 of 2004 and quash its award dated 04.04.2013 in so far as directs the petitioner to give benefits to the second respondent by accepting his resignation letter within a reasonable time.

For Petitioners :Mr.Ravi, Senior Counsel
for Mrs.P.Malini

For R2 :Mr.R.Subramanian

ORDER

The second respondent in the writ petition was employed as a driver in ABT Limited.

2.According to the Management, he submitted a letter of resignation dated 30.12.2003. The same was accepted and communication dated 12.01.2004 was sent by the management to the second respondent herein. In the said letter, it was mentioned that the said resignation was accepted with effect from 12.01.2014 and he was relieved from the duty on the same date. Subsequently, the second respondent raised I.D.No.220 of 2004 before the Labour Court, Tiruchirppalli. He took the stand that he never resigned and that the Management had obtained his signature on some blank paper. Before the Labour Court, the workman examined himself as W.W.1 and one Ayyappan as W.W.2. On his side, Ex.W1 to Ex.W6 were marked. On the side of the Management, one witness was examined and three documents were marked. The Labour Court gave finding that the letter of resignation was actually given by the second respondent



herein. However, the Labour Court proceeded to hold that there is nothing on record to show that the said resignation was accepted by the Management. In that view of the matter, while giving liberty to the Management to accept the resignation letter of the workman, the Labour Court held that the workman was deemed to be continuous in service. Questioning the said award of the Labour Court, the present writ petition has been filed by the Management.

3. Heard the learned Senior Counsel appearing for the writ petitioner/Management and the learned counsel appearing for the second respondent.

4. This Court has to observe that the workman did not question the findings and award of the Labour Court by filing any separate writ petition. The Labour Court in the impugned award gave a specific finding that it had not accepted the defence of the workman that he was forced to sign in blank paper and that it was misused by the Management by fabricating a resignation letter.

5. The Labour Court proceeded to hold that it was of the opinion that the workman had given the said resignation letter. Secondly, the Labour Court did not direct the reinstatement of the workman. Instead, it gave liberty to the Management to accept the resignation letter of the workman. The only question to be considered is whether there was valid acceptance of the resignation letter given by the workman.

6. The learned Senior Counsel appearing for the writ petitioner drew the attention of this Court to Ex.W1 dated 12.01.2004. In fact, there is a reference to the said letter in the petition filed by the workman himself. This document was marked by the workman only.

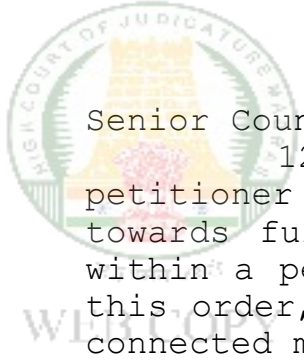
7. This Court went through the contents of the said letter of acceptance. It is seen that the Management had categorically accepted the resignation letter submitted by the workman with effect from 12.04.2004 and that he was relieved from the said date. Therefore, this Court can only come to the conclusion that the finding of the Labour Court that the resignation of the workman was not accepted is perverse.

8. In this view of the matter, the aforesaid findings of the Labour Court stands vacated. While affirming the finding given by the Labour Court with regard to the genuineness of the resignation letter given by the second respondent herein, this court sets aside the restricted relief given to the workman holding that he is in continuous service.

9. The learned counsel appearing for the writ petitioner submitted that service benefits payable to the workman was settled.

10. The learned Senior Counsel produced a copy of the letter dated 26.03.2013 indicating that a sum of Rs.1,81,059.51/- has to be paid to the workman. He also pointed out that the workman has to pay a sum of Rs.30,000/- by all liability.

11. This Court suggested to the learned Senior Counsel appearing for the writ petitioner that the Management can rather waive the liability of the workman and instead pay the amount of Rs.1,81,059.51/- towards full and final settlement. The learned



Senior Counsel fairly accepted the said suggestion.

12. Recording the said undertaking on behalf of the writ petitioner that the amount of Rs.1,81,059.51/- would be settled towards full and final settlement to the second respondent herein within a period of two weeks from the date of receipt of a copy of this order, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
/True Copy/

Assistant Registrar (T&P)

Sub Assistant Registrar/

To
The Labour Court,
Trichy.

W.P. (MD) No.12305 of 2014
and
W.M.P (MD) No.1 of 2014

JM/SV MMS/SAR 2/18.05.2018/5P/4C/

27.03.2018