



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

WEB COPY

CORAM:

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P.(MD) Nos.21532 & 21533 of 2016

and

W.M.P(MD) Nos.15388 & 15389 of 2016

The Liquidation Officer,
South India Co-operative
Spinning Mills Ltd.,
Pettai, Tirunelveli.

At present,

Office of the Assistant Director of
Handlooms & Textiles,
Maharaja Nagar,
Tirunelveli.

... Petitioner in both petitions

Vs.

1.V.Arunachalam
41, Anavaratha Sundara Vinayagar
Kovil Street,
Palaiya Pettai, Gandhi Nagar Post,
Tirunelveli - 627 008.

... 1st Respondent in W.P(MD) No.21532 of 2016

1.G.Nainar
44, Sudalai Madan Kovil Street,
Tirunelveli Town,
Tirunelveli - 627 006.

... 1st Respondent in W.P(MD) No.21533 of 2016

2.The Presiding Officer,
Labour Court,
Tirunelveli.

... 2nd Respondent in both W.Ps

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the award dated 28.03.2014 made in I.D.Nos.50 and 51 of 2013 respectively on the file of the second respondent and



quash the same.

In both petitions;

For Petitioner : Mr.K.Hemakarthiskeyan
(Both cases)

For Respondents : Mr.Sri Balaji for
(Both Cases) Mr.Vast Law Associates for R1
R-2 Labour Court

COMMON ORDER

In both the writ petitions, the order passed by the Labour Court awarding a sum of Rs.1,00,000/- as compensation to the workmen concerned is under challenge. The first respondent in both the writ petitions were employed as worker in South India Co-operative Spinning Mills Ltd., Pettai, Tirunelveli. They had indulged in slogan shouting. Therefore, in this regard, charges were framed against them. They were finally removed from service. The said punishment was questioned and I.D.Nos.50 and 51 of 2013 were filed before the Labour Court, Tirunelveli. The workmen filed memo before the Labour Court offering to take the terminal benefits. In the said memo, a statement was made that the enquiry conducted against them was fair. The memo filed by the workmen will have to read as whole. The Labour Court invoking his power under Section 11(A) of the I.D Act, came to the conclusion that the punishment of dismissal imposed on the workmen was grossly disproportionate to the gravity of the charges framed against them. The discretion exercised by the Labour Court under Section 11(A) Act does not call for any interference. The company in the meanwhile had gone into liquidation. Therefore, the workmen could not have been directed to be reinstated. The Labour Court took note of the fact that they were suspended way back in the year 1997 and that they were terminated from the service in the year 1998. The workmen on wrong advice had engaged themselves in a wasteful civil litigation.

2.As rightly pointed out by the learned counsel for the writ petitioners, it was their own making. But the facts remains that the workmen were engaged in fruitless litigation elsewhere. The Management could have as well accepted the memo filed by the workmen in the very first instance and settled their benefits. They did not do so. Therefore, taking note of the totality of the circumstances, the Labour Court awarded a sum of Rs.1,00,000/- as compensation in lieu of reinstatement. The said order does not call for any interference. There no merits in these writ petitions.

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

3.Accordingly, both the writ petitions fail and the same are



dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(AS)

WEB COPY

/True Copy/

Sub Assistant Registrar

skn

TO

The Presiding Officer,
Labour Court,
Tirunelveli.

+1 CC TO Mr. K.HEMAKARTHIKEYAN , Advocate, Sr.No. 54980
+2 CC TO M/S.VASI LAW ASSOCIATES , Sr.No. 55282,55283

JAM/31/05/2018/ JC /SAR 3/ 3P-5C

W.P.(MD)Nos.21532 & 21533 of 2016
and
W.M.P(MD)Nos.15388 & 15389 of 2016
13.03.2018