



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2018

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

W.P.(MD) No.539 of 2016

and

W.M.P(MD)No.440 of 2016

The Management,
Tamil Nadu Cements Corporation Ltd.,
Alangulam Cement Works,
Tamil Nadu Cements Post - 626 127,
Rajapalayam via,
Virudhunagar District,
rep. by its Unit Head

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
District Court Building,
Mellur Road,
Madurai - 625 020.

2.C.Perumal

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the first respondent in I.D.No.178 of 2007 and quash the award dated 22.04.2015.

For Petitioner : Mr.T.Ravichandran

For Respondents : No appearance for R2
R1 - Labour Court

O R D E R

The second respondent joined the service of the writ petitioner as 'Attender' on 24.05.1981. On account of his unauthorized absence, which appears to be habitual in nature, he was dismissed from service on 20.01.2000. The second respondent herein raised I.D.No.178 of 2007 before the Labour Court, Madurai. The Labour Court Madurai, by the impugned award dated 22.04.2015



held that the punishment of dismissal from service imposed on him was not justified and the writ petitioner was directed to reinstate him in service. The same is assailed in this writ petition.

2. Heard the learned counsel appearing for the writ petitioner. There is no representation on the side of the second respondent.

3. This Court is of the view that even though the charges framed against the second respondent have been established, imposing the punishment of dismissal from service for unauthorized absence is not commensurate with the gravity of misconduct. Therefore, the said punishment can be modified into one of compulsory retirement. The second respondent shall be deemed to have been in compulsory retirement from service with effect from 20.01.2000. The impugned award passed by the Labour Court, Madurai is modified accordingly. The writ petitioner is directed to quantify the benefits payable to the second respondent and pay the same. In view of the gross delay on the part of the second respondent, the benefits payable to the second respondent will not carry any interest.

4. This writ petition is partly allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court,
District Court Building,
Mellur Road,
Madurai - 625 020.

+ 1 cc TO Mr. T. Ravichandran, Advocate in SR No. 56370

skn

AE/KKR/SAR2/04.06.2018/2P/3C

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