

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No. 26248 of 2009
and
M.P.No.1 of 2009

The Management
Vishnu Theatre,
Viruthampet
Vellore-6

... Petitioner

vs.

1. G.Gajaraj

2. The Presiding Officer,
Additional Labour Court,
Vellore,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the 2nd respondent passed in computation Petition No.96 of 2007 dated 20.08.2009 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.N.Sathyamoorthi

For Respondents : Mr.J.Saravanavel for R1

ORDER

The petitioner is the Management. Challenge made in this Writ Petition is against the order passed by the Labour Court dated 20.08.2009 in Computation Petition No.96/2007, wherein and whereby, the petitioner Management was directed to pay the 1st respondent a sum of Rs.26,534.70 as the computed money value of the benefits.

2. The 1st respondent herein claimed that he was employed as the Booking Clerk under the petitioner Management and that he was terminated from service from 07.01.2003. It is his specific case that he was threatened and forced to sign in blank stamp papers. Hence, the 1st respondent approached the Labour Court and filed Computation Petition under Section 33C (2) of the Industrial Disputes Act, seeking computation of one

month notice, pay retrenchment compensation, difference between minimum wages and wages paid and interest.

3. The case of the Management before the Labour Court was that the 1st respondent was not dismissed or terminated from service and he himself voluntarily resigned from service by giving resignation letter to that effect dated 07.01.2003. Therefore, it is contended that the claim of the 1st respondent is not sustainable. The Labour Court, after considering all the facts and circumstances and the evidence let in by both parties, directed the Management to pay a sum of Rs.26,543.70 as the computed money value. It is seen that the said order of the Labour Court has been accepted by the 1st respondent as he has not chosen to challenge the same in respect of the quantum. Only the Management is aggrieved against the said order and filed the present Writ Petition.

4. Learned counsel for the petitioner reiterated the contentions raised before the Labour Court and submitted that the order of the Labour Court cannot be sustained.

5. Per contra, the learned counsel for the 1st respondent submitted that the order of the Labour Court need not be interfered with since the same came to be passed after considering the facts and circumstances as well as the evidence let in by the parties.

6. Heard both sides. Perusal the materials placed before this Court.

7. The only contention raised by the Management is that the 1st respondent has resigned from the post by issuing a resignation letter dated 07.01.2003. Therefore, it is contended that the 1st respondent is not entitled to the relief as granted by the Labour Court. The 1st respondent has disputed the above said claim of the Management by specifically stating that his signatures were obtained forcibly in blank stamp papers. Therefore, it is the bounden duty of the Management to prove the resignation letter which was marked as Ex.R5. The 1st respondent has examined P.W.2 to substantiate his claim that the Management has forced the 1st respondent herein to sign the blank stamp papers. To rebut such contention, the Management has not let in any evidence. Therefore, I find that the Labour Court has rightly granted the relief to the 1st respondent, with which, I find no infirmity, perversity or illegality.

8. Accordingly, the Writ Petition fails and the same is dismissed. In view of the dismissal of this writ petition, the writ petitioner shall comply with the order passed by the Labour Court within a period of four weeks from the date of receipt of a copy of this order. If any amount was deposited

already by the petitioner Management, it is open to the 1st respondent to withdraw the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi

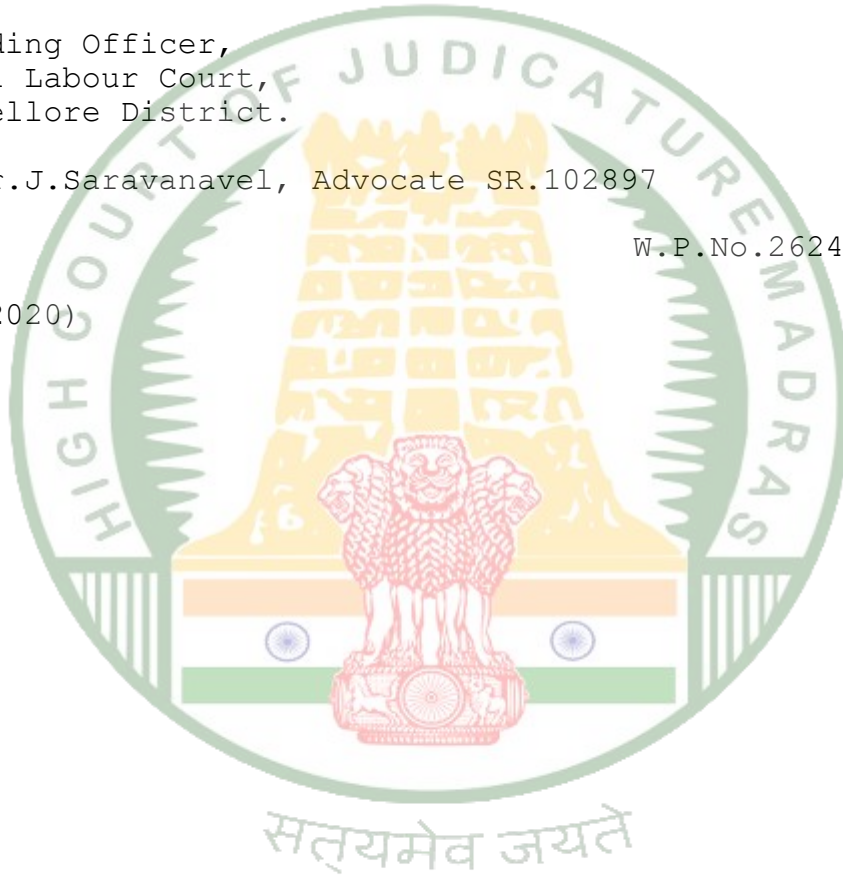
To

The Presiding Officer,
Additional Labour Court,
Vellore,Vellore District.

+1cc to Mr.J.Saravanel, Advocate SR.102897

W.P.No.26248 of 2009

LN(CO)
CB(13/01/2020)



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