

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.35065 of 2005

P.Ganesh

... Petitioner

..Vs..

1.The Management,

Sovereign Engineering (P) Ltd.,
Pollachi Main Road,
Industrial Centre Post,
Coimbatore-21.

2.The Presiding Officer,
Labour Court,
Coimbatore.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records concerning the order in I.D.No.151 of 2001 dated 02.04.2004 passed by the Presiding Officer, labour Court, Coimbatore - Second Respondent herein and to quash the same and consequentially to allow the said I.D.No. 151 of 2001 as prayed for by the petitioner.

For Petitioner : Mr.V.Venkatachalam

For Respondents : Mr.Anand Gopalan

for M/s.T.S.Gopalan & Co. for R1
Labour Court - R2

O R D E R

The Award dated 02.04.2004, passed by the Presiding Officer in I.D.No.151 of 2001, is under challenge in the present writ petition.

2. The writ petitioner Workman joined in the Respondent Management as a Mechanist helper on 01.12.1990 and regularized on 01.12.1995. The facts in nutshell is to be considered is that the respondent company sustained a financial loss and accordingly, announced a Special Voluntary Retirement Scheme to the employees. The scheme was formulated after discussing the issues with the recognized Trade Unions. Based on the decision taken during the point of discussion, the Special Voluntary Scheme was implemented and many number of employees had opted the VRS Scheme and received the final settlement from the first

respondent Management.

3. The learned counsel appearing on behalf of the Respondent states that the writ petitioner workman also resigned his job and accepted the full and final settlement by signing the necessary documents. After acknowledging the settlement amount and on receipt of the PF Amount, the writ petitioner workman has chosen to raise an industrial dispute, contrary to the terms and conditions of the VRS Scheme. The only contention raised by the workman is that the resignation letter was forcibly obtained and he has not signed the letter of resignation. The Labour Court, in this regard found that the signature of workman on other applications filed before the Labour Court are tallying with the signature of the workman in the letter of resignation. This apart, the Labour Court arrived a conclusion that after the letter of resignation, the workman had accepted the full and final settlement and received the amount. Having received the settlement amount he cannot raise an industrial dispute stating that his resignation was not voluntary. It is an after thought idea, mooted out for the purpose of gain and on that ground, the dispute was rejected by the Labour Court and challenging the same, the findings of the Labour Court reveals that he accepts the resignation and the letter of resignation was submitted by the workman and he also received the full and final settlement by Special Voluntary Scheme and he accepted PF also from the Competent Authorities.

4. This being the factum considered and found by the Labour Court, this Court is not inclined to interfere with the findings of the Labour Court and consequently the award of the Labour Court is candid and convincing and there is no perversity. Thus, the award dated 02.04.2004 passed in I.D.No.151 of 2001 is confirmed.

5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

सत्यमेव जयते

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

Pns

To

1.The Management,
Sovereign Engineering (P) Ltd.,
Pollachi Main Road,
Industrial Centre Post,
Coimbatore-21.

2.The Presiding Officer,
Labour Court,
Coimbatore.

+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No. 86302

W.P.No.35065 of 2005

NRL (CO)
GN (19/11/2019)



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