



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.12.2019

CORAM

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THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5659 of 2010
and
M.P.No.1 of 2019

The Management
Dr.Ravichandran
Hamsa Clinic
No.70B, Sipcot Industrial Complex,
Ranipet, Vellore District. ...Petitioner
vs.

1. J.Sudhakar
S/o.Joseph
2.The Presiding Officer
Principal Labour Court
Vellore, Vellore District. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records pertaining to the award dated 08.12.2009 made in I.D.No.113 of 2006 on the file of the Principal Labour Court, Vellore insofar as awarding compensation of Rs.40,000/- to the 1st respondent is concerned and quash the same and allow this writ petition.

For Petitioner : Ms.M.Sangeetha
for Mr.T.P.Prabakaran
For Respondents : R1 - No appearance

O R D E R

This writ petition is filed by the petitioner-Management challenging the award of the Labour Court, Vellore, made in I.D.No.113 of 2006 dated 08.12.2009.

2. The first respondent herein filed the above Industrial Dispute under Section 2A(2) of the Industrial Disputes Act, 1947 seeking reinstatement with continuity of service, payment of backwages and all other attendant benefits. The Labour Court, though dismissed the above Industrial Dispute with respect to reinstatement and other claims, has however awarded a compensation of Rs.40,000/- to the first respondent.



3. In this writ petition, though notice was served on the first respondent, he has not chosen to appear either in person or through his counsel. His name is also printed in the cause list.

4. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

5. The point for consideration is as to whether the Labour Court is justified in awarding compensation to the first respondent, having chosen to dismiss the Industrial Dispute in respect of the relief of reinstatement and other claims.

6. The first respondent was working as Lab Technician under the petitioner. Under Ex.M1, specific charges were framed against the first respondent, wherein it was alleged that the first respondent while working under the petitioner used to misbehave with the female nurse and also used vulgar language freely and openly. It is further seen that the Labour Court has found that the first respondent had not chosen to deny his charges even in his proof affidavit. The Labour Court also found that on total consideration of the entire available evidence, the version of the statement by the petitioner/Management is more probable and accordingly, it found that the first respondent herein had not been illegally terminated as claimed by him. Having observed so, the Labour Court has chosen to award the compensation of Rs.40,000/- only by observing that the first respondent had left the job voluntarily under fear of disciplinary action and therefore, he is entitled for some compensation and not reinstatement.

7. At this juncture, it is to be noted that the first respondent seems to have not challenged the award of the Labour Court in refusing to grant the relief of reinstatement and other monetary benefits. Therefore, this Court is of the view that the award of the Labour Court in granting compensation to the first respondent is without any justifiable reason, more particularly, when it has found that the termination is not illegal and that the first respondent had left the job voluntarily.

8. Considering the gravity of charges levelled against the first respondent and considering the fact that the Labour Court has also found that the termination is not illegal and that the first respondent had left the job voluntarily, I find that the award of compensation, which appears to be purely on sympathy ground, is wholly unwarranted, in view of the above stated facts and circumstances.



9. Accordingly, this Writ Petition is allowed and the award of the Labour Court is set aside. It seems that while granting interim stay in this writ petition, the petitioner/Management was directed to deposit a sum of Rs.40,000/- to the credit of the second respondent/Labour Court. If any such amount is deposited, the petitioner is at liberty to withdraw the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

mk

To

The Presiding Officer
Principal Labour Court
Vellore, Vellore District.

+lcc to Mr.T.P. Prabakaran, Advocate, SR.No.102018.

W.P.No.5659 of 2010

NMI (CO)
CSR: 09.01.2020