

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.02.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO. 4413 OF 2019

AND

W.M.P. NO. 4967 OF 2019

The Management
Lawson Tea Division
Tamil Nadu Tea Plantation
Corporation Ltd.
Tantea, Chinchona Post
Valparai, Coimbatore District. ... Petitioner

- Vs -

J.Abdullakutty ... Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records in I.D. No.317/2012 dated 25.10.2017 on the file of the Addl. Labour Court, Coimbatore and quash the same.

For Petitioner : Ms. Thangavadhana Balakrishnan

ORDER

The writ petition is filed against the award dated 25.10.17, passed by the Addl. Labour Court, Coimbatore, in I.D. No.317/12 directing the petitioner/Management to pay compensation of Rs.1 Lakh to the respondent/workman after holding the oral termination dated 2.1.12 as illegal and void.

2. The facts, which gave rise to the filing of the present writ petition are as hereunder :-

The respondent/workman was working as Office Assistant in the petitioner/Management from 12.10.1985. His last drawn monthly wages was Rs.3,458/-. According to the respondent/workman, he was continuously working in the respondent/Management and due to illness he had to avail medical leave from 1.11.11 to 31.12.11 and after the expiry of medical leave, when he reported for work on 1.1.12, the petitioner/Management refused him work and on the following day, i.e., 2.1.12, he was orally terminated. The oral termination was the subject matter of dispute, which was referred for

adjudication before the Addl. Labour Court, Coimbatore.

3. The Labour Court, after adverting to the evidence and other materials placed for consideration had come to the conclusion that the termination of the workman by the petitioner/Management was illegal. However, instead of ordering reinstatement, the Labour Court has awarded compensation in lieu of reinstatement on the reason that since the respondent/workman was to retire in a few months time, reinstatement was not a desired relief and, therefore, taking into consideration his last drawn wages, the Labour Court ordered compensation of Rs.1 Lakh as full and final settlement. The said award passed by the Labour Court is put to challenge by the petitioner/Management in the present writ petition.

4. Learned counsel appearing for the petitioner/Management submits that the award passed by the Labour Court was liable to be interfered with since the workman was not entitled to the relief as prayed for nor the relief of compensation, as granted by the Labour Court.

5. Heard the learned counsel appearing for the petitioner/Management and perused the materials available on record as also the award passed by the Labour Court.

6. Though the award of the Labour Court is being assailed in the present writ petition, learned counsel appearing for the petitioner/Management is unable to point out as to how the award of the Labour Court suffers from any infirmity or illegality calling for interference from this Court.

7. A careful perusal of the award passed by the Labour Court reveals that though normally in the circumstances as is reflected in the award of the Labour Court, the workman was entitled to the relief of reinstatement, however, considering the fact that the workman was to retire in a few months time, the Labour Court has chosen to grant the alternative relief of compensation, that too, a meagre sum of Rs.1 Lakh. It is an admitted fact, as the materials disclose and made available, that the workman had worked for more than 25 years with the petitioner/Management and for whatever reasons, termination had been effected at the instance of the Management, though orally, the same cannot be justified, as admittedly the Management has not followed the due process of law before effecting the termination of the workman. Considering the circumstances of the case, the compensation, as awarded by the Labour Court, though too low and meagre, but, unfortunately, the Management has chosen to challenge even the said award. The conclusion as reached by the Labour Court appears to be well founded, which is on the basis of evidence, which was made available before the

Labour Court and such conclusion, normally, could have only invited the larger relief of reinstatement, but the Labour Court, for the reasons aforesaid, has however restricted the relief to ordering compensation of Rs.1 Lakh to the respondent/workman.

8. On an overall consideration of the entire facts and circumstances of the case, this Court is unable to appreciate as to why the petitioner/Management has chosen to challenge the award when the Labour Court has merely granted only a compensation, as low as Rs.1 Lakh for the services rendered by the respondent/workman for more than two decades. In the circumstances, this Court does not think it fit to interfere with the award passed by the Labour Court as the same does not suffer from any infirmity. On the other hand, the Management ought to be satisfied with the award passed by the Labour Court, since the Management was not being saddled with the larger relief of reinstatement of the workman with backwages, etc.

9. For the reasons aforesaid, this Court finds that this writ petition is devoid of merits and, accordingly, the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

GLN

To

The Additional Labour Court,
Coimbatore.

+1 cc to The Special Government Pleader, Sr.No.14677

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CSL/27.03.2019

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