

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.9753 of 2018

E.Veeramani

.... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.The Management
M/s.Bimetal Bearings Ltd,
Maruthamalai Road,
Mullai Nagar,
Coimbatore

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records and quashing the impugned final award of the Labour Court dated 21.09.2017 in I.D.No.143 of 2011 and reinstating the petitioner in service with all the consequential benefits including full wages.

For Petitioner ... Mr.Banumathy Baskaran

For Respondents .. Mr.S.Ravindran for
Mr.S.Basheer Ahamed for R2

ORDER

This writ petition has been filed seeking for issuance of a writ of Certiorarified Mandamus, to call for the records and quash the impugned final award of the Labour Court dated 21.09.2017 made in I.D.No.143 of 2011 and to reinstate the petitioner in service with all the consequential benefits including full wages.

2. The petitioner was an employee of the second respondent management and was dismissed from service on 27.06.1994. After the delay of 17 years, an industrial dispute was raised against the dismissal order of the Labour Court/first respondent herein

which adjudicated the dispute, and has finally passed an award on 21.09.2017, by directing the respondent management to pay a sum of Rs.75,000/- to the petitioner by way of compensation in lieu of reinstatement, backwages etc. The said award is put to challenge by the workman in this writ petition.

3. According to the petitioner, that the Labour Court ought to have awarded reinstatement instead of ordering to pay a sum of Rs.75,000/- in full quit.

3. From a perusal of the award, it could be seen that the Labour Court on a sympathetic ground passed an award, awarding compensation although the dispute was raised after a period of 17 years. In fact, this Court after going through the award, is of the view that the Labour Court ought to have dismissed the ID on the ground of delay and laches as the workman has raised the dispute after a long period, i.e. 17 years. In stead of being satisfied with the award, the workman has challenged the same before this Court. On the other hand, the management has accepted the award, despite the lacuna of entertaining the dispute by the labour Court after a long number of years of delay. Therefore, instead of accepting award, the workman has challenged the same before this Court.

4. This Court is unable to appreciate the conduct of the workman in challenging the award. No worthwhile ground has been raised in the affidavit filed in support of the writ petition for this Court to intervene with the award of the Labour Court.

5. On the other hand, this Court is of the view that the Labour Court has been too considerate in ordering compensation and which need not be interfered with particularly, at the instance of the workman. In fact, the petitioner should be satisfied by the award, since the management has not graciously chosen to challenge the award.

6. For the above said reasons, this Court finds no merit in the writ petition and therefore, the same is dismissed. No costs.

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Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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To

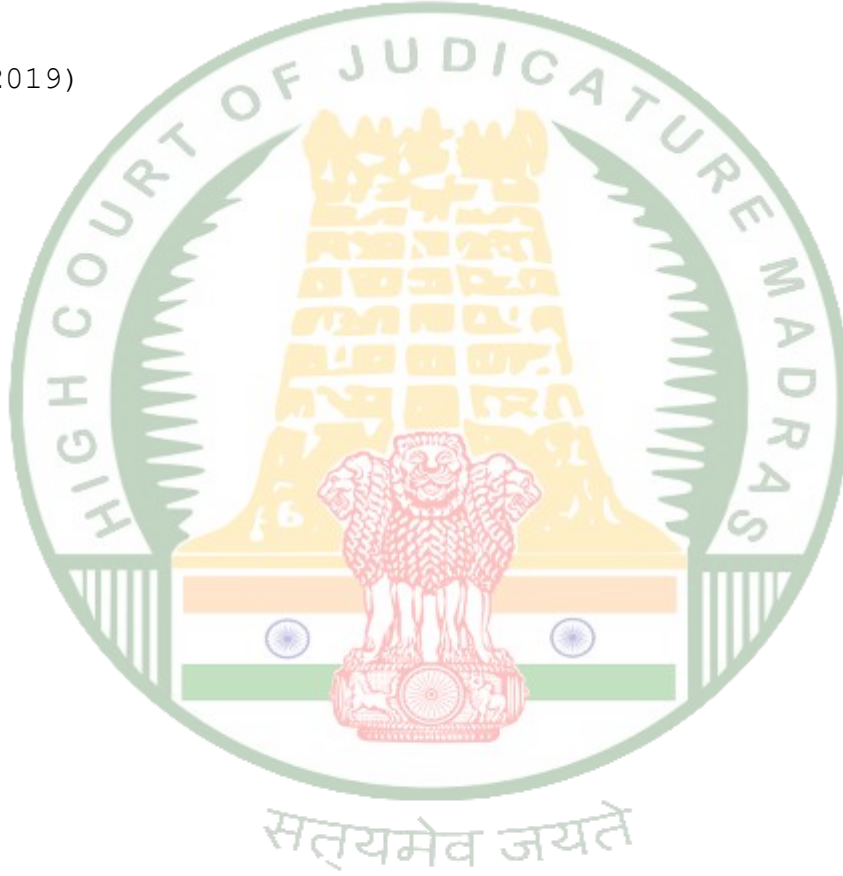
1.The Presiding Officer,
Labour Court,
Coimbatore.

+1cc to Mr. Banumathy Baskaran, Advocate, S.R.No. 50420

+1cc to Mr.S.Baseer Ahmed, Advocate, S.R.No. 49866

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PPA (CO)
GN(02/08/2019)



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