

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30018 of 2014

P.C.Padmanabhan

..Petitioner

vs

1. The Presiding Officer,
Labour Court,
Coimbatore.

2. The Management,
Special Officer / Joint Registrar,
The Amaravathi Co-operative
Sugar Mills Limited,
Krishnapuram, Udumalai Taluk,
Coimbatore District.

..Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pursuant to the award dated 22.08.2011 in I.D.No.86 of 2007 on the file of the 1st Respondent, quash the same and consequently modify the award by enhancing the compensation adequately.

For Petitioner : Mr.S.Saravanan

For Respondents : R-1 - Labour Court

R-2 - Mr.S.Ravindran, Senior counsel
For Mr.S.Bazeer Ahamed

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O R D E R

The Award dated 22.08.2011 passed in I.D.No.86 of 2007 is under challenge in the present writ petition.

2. The writ petitioner employee raised an Industrial Dispute against the order of dismissal issued in proceedings dated 29.07.2006 and prayed for reinstatement with continuity of service. Even before filing the Industrial Dispute in I.D.No.86

of 2007, writ petitioner reached the age of superannuation on 21.03.2006. Thus, the dispute itself was raised after the date of retirement. Allegation of negligence and dereliction of duty in performing the duties and responsibilities attached to the Post of Watchman, was the charge framed against the writ petitioner employee. However, the Labour Court found that the Enquiry was not conducted in compliance with the Principles of Natural Justice and evidences were let in. The finding of the Labour Court though in favour of the writ petitioner workman, the Labour Court awarded a sum of Rs.50,000/- (Rupees Fifty Thousand only) as compensation in lieu of arrears and backwages and other attendant benefits excluding credit for non-employment period. The order of dismissal dated 29.07.2006 was also set aside. Not satisfied with the award, the writ petitioner employee filed the present writ petition.

3. The learned Senior counsel appearing on behalf of the 2nd respondent Management brought to the notice of this Court that the writ petitioner employee had received the entire terminal benefit including the compensation amount of Rs.50,000/- awarded by the Labour Court in I.D.No.86 of 2007. The receipt issued by the writ petitioner employee is also submitted and on a perusal of the same, it is seen that the writ petitioner had received the compensation amount of Rs.50,000/- granted in the award.

4. In view of the fact that the reinstatement cannot be granted as the writ petitioner reached the age of superannuation even before raising the Industrial Dispute, the Labour Court awarded compensation in lieu of backwages and other attendant benefits. This apart, the writ petitioner had already received the entire terminal benefits including the compensation amount.

5. This being the factum, no further consideration is required in respect of the claims made in the present writ petition and the settlement already made is fair and there is no violation or discrepancy. The writ petitioner was settled with the entire terminal benefits including the compensation amount of Rs.50,000/- granted by the Labour Court.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(J)

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Sub Assistant Registrar

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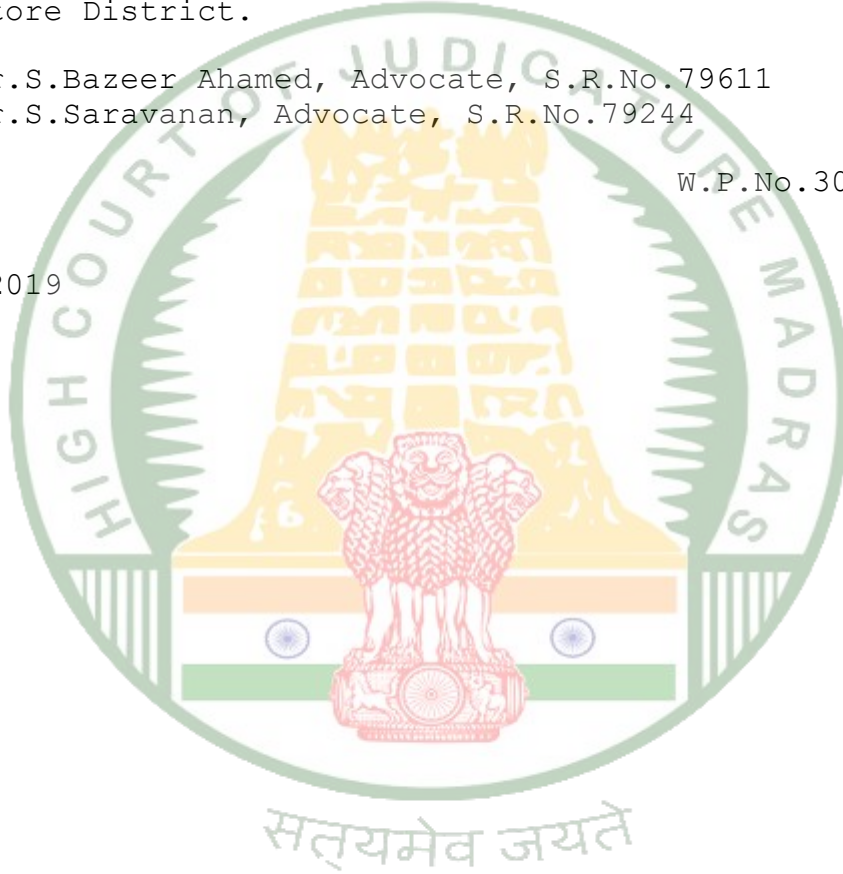
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+1cc to Mr.S.Bazeer Ahamed, Advocate, S.R.No.79611

+1cc to Mr.S.Saravanan, Advocate, S.R.No.79244

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