

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.24336 of 2014

and

M.P.No.1 of 2014

The Management of AMKO Tea Private Limited,
Ayyankolly Post,
Pandalur Post, Nilgiris District,
Rep., by its Managing Director, V.J.Jacob.

.. Petitioner

-vs-

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.M.Muthusamy,
C/o. Assistant General Secretary,
Tamilnadu Thotta Thozilalar Munnetra Sangam,
Panthalur Post, Panthalur Taluk,
Nilgiris District.

... Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records of the 1st respondent in I.D.No.135 of 2004 and quash its
award dated 31.12.2013.

For Petitioner : Mr.S.Ravindran,
Senior Counsel
assisted by
Mr.S.Bazeer Ahamed
For Respondents : R1 - Labour Court
: R2 - Mr.V.Ajay Khose

ORDER

The award dated 31.12.2013 passed by the 1st respondent,
Labour Court in I.D.No.135 of 2004 is sought to be quashed in
the present writ petition.

2.Learned Senior Counsel for the writ petitioner states that
the petitioner - Tea Factory employed the 2nd respondent as a

Security. The 2nd respondent workman served and during the services, he was terminated as per the terms and conditions of the order of appointment. The said order of termination was challenged by raising an industrial dispute contending that the order of termination is simpliciter issued based on the terms and conditions of the appointment order.

3.Learned Senior Counsel for the writ petitioner further states that the Labour Court allowed the industrial dispute by granting compensation in lieu of reinstatement, considering the fact that the workman reached the age of superannuation and compensation of Rs.75,000/- was awarded and the said amount had already been deposited before the 1st respondent, Labour Court in the credit of I.D.No.135 of 2004.

4.This Court is of an opinion that the Labour Court found that the termination simpliciter was not in consonance with the terms and conditions of the appointment and accordingly, set aside the termination and granted compensation in lieu of reinstatement.

5.From a perusal of the entire award, this Court do no find any error or perversity so as to interfere with the findings. The amount of compensation had already been deposited, the workman reached the age of superannuation long back and under these circumstances, this Court is not inclined to consider the other grounds raised by the writ petitioner in this writ petition. Thus, the award dated 31.12.2013, passed in I.D.No.135 of 2004 is confirmed and the 2nd respondent is permitted to withdraw the compensation amount already deposited before the 1st respondent, Labour Court with accrued interest. In the event of filing an application in this regard, the 1st respondent shall verify the identify of the workman and disburse the amount as expeditiously as possible.

6.With the above observations, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Coimbatore.

+1cc to M/s.V.Ajay Khose, Advocate SR.No.92722
+1cc to M/s.S.Bazeer Ahamed, Advocate Sr.No.93253

AKM/17.12.19 /3P-4C/

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