



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.174 of 2011

M.P.(MD).No.1 of 2011

D.Ramadurai

.. Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Madurai.

2.The Management
Vasu Chemicals,
15/1-A, Valanathapuram,
Madurai - 625 012.

.. Respondents

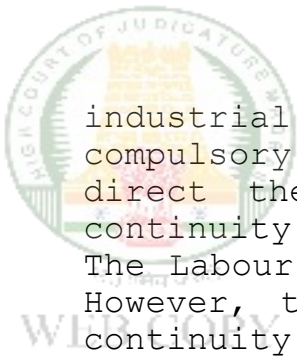
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the award, dated 02.08.2010 passed by the 1st respondent in I.D.No.10 of 2008, quash the same in so far as the portion of denial of back wages to the petitioner and further direct the 2nd respondent to reinstate the petitioner with continuity of service, back wages and all other attendant benefits.

For Petitioner	:	Mr.A.Jeyaramachandran
For Respondents	:	Mr.M.R.Sreenivasan for Mr.P.Chandrabose for R2 R1 - Court

ORDER

This writ petition is filed, challenging the award passed by the Labour Court in I.D.No.10 of 2008, dated 02.08.2010, insofar as it relates to denial of backwages. The petitioner challenged oral termination before the Labour Court. However, the second respondent contended that the petitioner was never terminated from service, but was unauthorisidly absent, as the second respondent requested the petitioner to settle the huge amount, he owed to the management.

2.The petitioner was an Accountant under second respondent. The petitioner states even in the affidavit that the second respondent threatened the petitioner as if the petitioner was indebted to the second respondent and that if, the petitioner hasps on issues, he would be forced to pay the amount. After failure of conciliation by the Labour officer, the petitioner raised an



industrial disputes before the Labour Court to declare the compulsory termination by the second respondent as illegal and to direct the second respondent to reinstate the petitioner with continuity of service and backwages and other monetary benefits. The Labour passed an award holding that the termination is illegal. However, the Labour Court refused to give backwages, even though continuity of service was given to the petitioner. Challenging the same, the above writ petition has been filed.

3.From the facts, this Court is of the view that the respondent has taken a stand even in the counter affidavit before the Tribunal that the second respondent was willing to give employment to the petitioner without prejudice to the disciplinary action proposed to be initiated against the petitioner for unauthorised absence. The only objection of the second respondent is for giving backwages to the petitioner. The fact that the petitioner has to pay a huge amount to the second respondent is also admitted. The petitioner himself admits that the second respondent gave pressure to the petitioner to pay the amount.

4.Having regard to the sequences of events the non employment of petitioner was not intentional and the second respondent himself was prepared to reinstate the petitioner without prejudice to the disciplinary proceedings proposed to be initiated against the petitioner. In such circumstances, this Court do not find any illegality or irregularity in the order of Labour Court denying backwages to the petitioner. This Court do not find any merits to entertain this petition on merits.

5.Accordingly, this writ petition is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

The Presiding Officer,
Labour Court, Madurai.

+1 CC to Mr.A.JAYARAMACHANDRAN, Advocate (SR-102293[F] dated 28/11/2019)

W.P. (MD) .No.174 of 2011.

26.11.2019

VB(16.12.2019) 2P 3C

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