

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.17422 of 2017

P.R.Sathasivam
S/o.Renganathan

...Petitioner

vs.

1.The Presiding Officer
Coimbatore Labour Court
Coimbatore.

2.The Special Officer
The Sirumugaipudur Sri Ramalinga Sowdambigai
Weavers' Co-operative Production and Sales Society Ltd.,
CH-14, Sirumugaipudur
Sirumugai - 641 302. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records and papers from the files of the 1st respondent in I.D.No.445 of 2009 and quash the impugned award made therein dated 27.03.2017 insofar as the 1st respondent has denied the petitioner claim for reinstatement, backwages, continuity of service and all other attendant benefits.

For Petitioner : Mr.K.Bharathi
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2
For R1 : Labour Court

O R D E R

This writ petition is filed challenging the award dated 27.03.2017 passed by the Presiding Officer, Labour Court, Coimbatore, in I.D.No.445 of 2009. Through the impugned award, the Labour Court directed the second respondent/Management to pay the monetary compensation of Rs.1,00,000/- to the petitioner/Workman instead of reinstatement along with interest @ 9% p.a. from the date of the award till the date of realization.

2. The petitioner/Workman herein joined the second respondent/Management on 01.06.1987 and the Management retrenched the petitioner by proceedings dated 24.10.1998. Hence, the petitioner challenged the retrenchment in pursuant to the conciliation proceedings, which ended in failure. The Labour Court, after hearing both the parties and considering the materials placed before the Court passed the impugned award.

3. Challenging the said award, the present writ petition is filed by the Workman by contending that the Labour Court should have ordered reinstatement instead of awarding monetary compensation alone.

4. Though such contention was raised in the writ petition, the learned counsel for the writ petitioner/Workman submitted that the petitioner is willing to take the monetary benefit with interest, without insisting for reinstatement, if the second respondent-Management disburse the same. He has also made an endorsement to that effect.

5. The learned Special Government Pleader appearing for the second respondent-Management submitted that the retrenchment was made after following due procedure. However, he is not disputing the fact that the award passed by the Labour Court has not been challenged by the Management.

6. Therefore, it is evident that insofar as the Management is concerned, the award has become final and binding. Now, the petitioner is confining his relief in this writ petition only with regard to the compensation without insisting for reinstatement. When the Management has not chosen to challenge the award, which ordered compensation of Rs.1,00,000/- and since the petitioner would be satisfied, if the said sum is paid to him with interest, I do not think that there will be any impediment for the Management to pay the said sum with interest, as awarded by the Labour Court.

7. Accordingly, this Writ Petition is disposed of, by directing the second respondent-Management to implement the award dated 27.03.2017 passed by the Labour Court, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

mk

To

1.The Presiding Officer
Coimbatore Labour Court
Coimbatore.

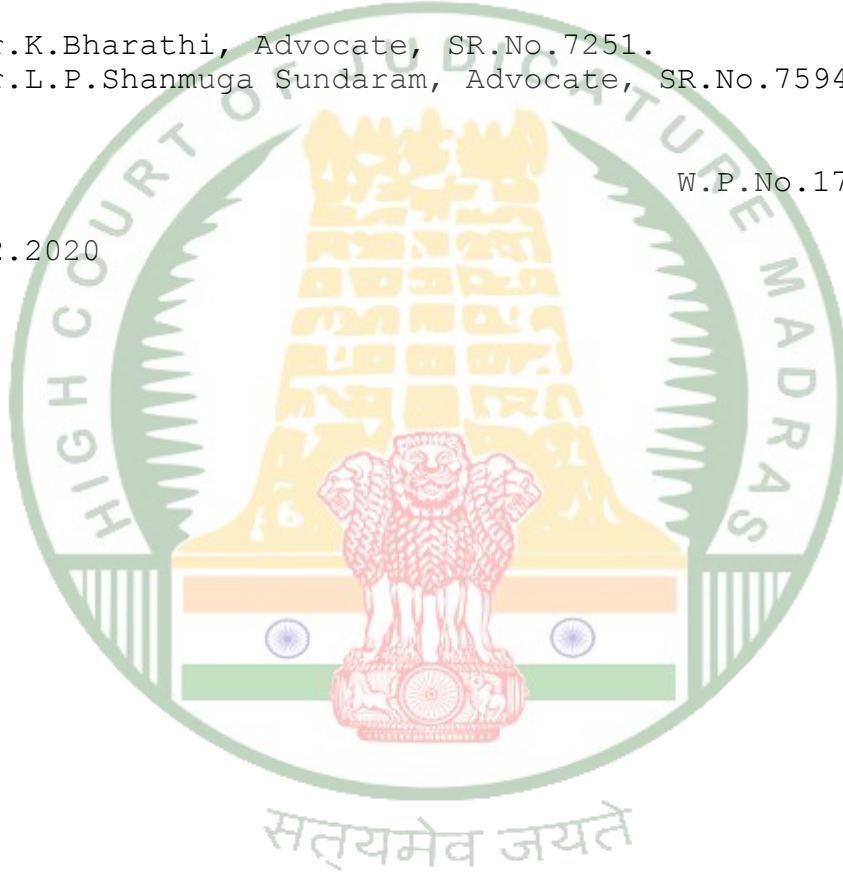
2.The Special Officer
The Sirumugaipudur Sri Ramalinga Sowdambigai
Weavers' Co-operative Production and Sales Society Ltd.,
CH-14, Sirumugaipudur
Sirumugai - 641 302.

+1cc to Mr.K.Bharathi, Advocate, SR.No.7251.

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, SR.No.7594.

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NR(CO)
CSR: 25.02.2020



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