

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NO.39479 OF 2005

B.Gopalan

.. Petitioner

Versus

1. The Management

Kattabettu Industrial Co-op. Tea Factory Ltd.,
The Nilgiris.

2. The Presiding Officer

Labour Court
Coimbatore.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent relating to the Preliminary Order dated 04.11.2003 and the Award dated 20.04.2004 in I.D.No.288 of 2001, quash the same and consequently direct the first respondent to reinstate the petitioner in service with backwages, continuity of service, consequential and other attendant benefits, award costs.

For Petitioner : Ms.Anna Mathew

For Respondent-1 : Mr.R.Parthiban

For Respondent-2 : Court

O R D E R

The present Writ Petition has been preferred against the Preliminary Order dated 04.11.2003 and the final Award dated 20.04.2004 passed by the second respondent - Labour Court, declining to interfere with the punishment imposed by the first respondent / Management.

2.The second respondent - Labour Court, after considering the materials placed before it and the proceedings

of the Enquiry Officer and also the admission made by the petitioner, has come to a conclusion that the enquiry has been conducted in a fair and proper manner. When it dealt with the charges, it has given a categorical finding that the misconduct has been proved by sufficient material evidence and therefore, refused to interfere with the punishment.

3. Even though the petitioner has challenged both the awards, the learned counsel appearing for the petitioner would submit that the petitioner/worker will be satisfied if his gratuity amount and other attendant benefits are settled.

4. On instructions, Mr. R. Parthiban, learned counsel appearing for the first respondent/Management would submit that the gratuity amount due and payable to the petitioner / worker is computed at Rs.1,06,008/- (Rupees One Lakh Six Thousand and Eight Only). Since the first respondent/Management is not in good financial status, they seek payment of this amount in four (4) equated monthly installments, commencing from 01.04.2021.

5. The said offer has been accepted by the petitioner.

6. Accordingly, while confirming the Award dated 20.04.2004 passed in I.D.No.288 of 2001 by the Labour Court, Coimbatore, is concerned, a direction is given to the first respondent/Management to settle the gratuity due and payable to the petitioner / worker in four (4) equated monthly installments, commencing from 01.04.2021. In so far as the request for encashment of earned leave is concerned, liberty is granted to the petitioner to make a representation to the first respondent setting out all the details. A further direction is given to the first respondent to consider such representation and pass appropriate orders, within a period of four weeks from the date of receipt of such representation.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Management
Kattabettu Industrial Co-op. Tea Factory Ltd.,
The Nilgiris.
2. The Presiding Officer
Labour Court
Coimbatore.

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AD(CO)
CSR 25.03.2021