



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.43701 of 2016

WMP.No.37507 of 2016

The Divisional Manager,
Pandiar Tea Division
TANTEA, Nadukaani Post,
Amaikulam, Nadukaani, Nilgiris District.

..Petitioner

Vs.

1. Agilandam

2. The Presiding Officer,
Labour Court, Coimbatore.

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari to call for the records of the 2nd respondent in ID.No.179 of 2011 dated 12.07.2016.

For Petitioner : Mr.S.Arumugham, Govt Counsel(Forest)

For respondents : R1 - Mr.Ajoy Khose.

R2- Court.

O R D E R

This Writ Petition is listed and taken up today through Video Conferencing.

2. The petitioner/Management has challenged the award of the Labour Court whereby the petitioner herein were directed to disburse the backwages and other benefits for the period between 30.06.2006 to 30.06.2009.

3. The claim of the first respondent before the Labour Court was that the petitioner had prematurely retired her. According to her, the actual year of birth, as evidenced from the entries of her service records maintained by the petitioner



is 1949 and that on completion of age of 60 years, she ought to have been retired on 30.06.2009. However, the petitioner/Management had pre-maturely retired her on 30.06.2006, alleging that she had claimed employment in favour of her son, in lieu of her acceptance to leave the service. The Labour Court, had found that the management had failed to establish that the first respondent had made such an offer to exchange her services to that of an employment to her son through documentary or oral evidence. Therefore, while rejecting her claim for reinstatement, ordered for backwages for the period till which she ought to have been in service. In other words, the Labour Court's has found that the first respondent was prematurely retired from her service by the management.

4. I do not find any perversity in the findings of the Labour Court. When the petitioner/management had come out with a specific case that they were constrained to prematurely retire the first respondent from the services, in view of her offer to go out of employment in order to accommodate her son, there was duty cast on the part of the Management to establish this aspect before the Court. Admittedly, no such letter evidencing such an offer from the first respondent nor was any other documents furnished by her produced before the Court to substantiate such a defence. It is in this background that the Labour Court had come to the conclusion that the petitioner has been prematurely retired and was therefore entitled for the backwages till her actual date of superannuation. In the absence of any perversity, I do not find any reason to interfere with the award.

5. Accordingly, the writ petition stands dismissed. In view of the order of dismissal, the petitioner/Management shall disburse all the monetary benefits which are due to the first respondent under the impugned award passed in ID.No.179 of 2011 dated 12.07.2016, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

tsh



To

The Presiding Officer,
Labour Court, Coimbatore.

+1cc to M/s.V.Ajoy Khose, Advocate, S.R.No.48789

+1cc to the Special Government Pleader (Forest), High Court,
Madras, S.R.No.49555

W.P.No.43701 of 2016

JP-II (CO)
SU(26/10/2021)