



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)Nos.1943 and 1944 of 2013

W.P. (MD)No.1943 of 2013:

A.Kannan

... Petitioner

vs.

1. The Management,
Sundaram Textiles Limited,
Nambi Nagar,
Nanguneri Post,
Tirunelveli District.

2. The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed in I.D.No.41/2010 on the file of the second respondent and to quash the same, consequently to direct the first respondent to reinstate the petitioner.

W.P. (MD)No.1944 of 2013:

K.Ooikattan

... Petitioner

vs.

1. The Management,
Sundaram Textiles Limited,
Nambi Nagar,
Nanguneri Post,
Tirunelveli District.

2. The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed in I.D.No.40/2010 on the file of the second respondent and to quash the same, consequently to direct the first respondent to reinstate the petitioner.



In both cases:

For Petitioner : Mr.D.Saravanan
For R-1 : Mr.C.Karthikeyan
for Mr.P.Chandra Bose
For R-2 : Labour Court

WEB COPY

COMMON ORDER

The Writ Petition in W.P.(MD)No.1943 of 2013 is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in I.D.No.41/2010 on the file of the second respondent and to quash the same, consequently to direct the first respondent to reinstate the petitioner.

2. The Writ Petition in W.P.(MD)No.1944 of 2013 is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in I.D.No.40/2010 on the file of the second respondent and to quash the same, consequently to direct the first respondent to reinstate the petitioner.

3.The petitioner was employed in the first respondent management on 01.04.1989 as LM and later from 01.10.1996 onwards, he was designated as Trainee. From 01.11.2003 onwards the petitioner was made permanent in the Building Section as Team Work Labourer. The allegation of the petitioner is that on 18.11.2008, the Manager attached to the first respondent informed to increase the work load, which the petitioner resisted and there were some unpleasing events on 18.11.2008 the petitioner met with an accident wherein a small iron rod pierced his leg and he was under treatment after obtaining the proper medical leave from 19.11.2008 to 26.11.2008.

4.The claim of the petitioner was that on 27.11.2008, 28.11.2008 and 29.11.2008 the petitioner was not allowed to enter the factory premises. Thereafter, the management stopped him from work. Thereafter, the petitioner preferred an I.D.No.41/2010 and the management resisted the petition. Thereafter, the Labour Court has passed an award on 22.12.2011. Since, the Labour Court has not granted reinstatement the petitioner has preferred this petition. The first respondent has not filed counter affidavit.

5. As far as the writ petition in W.P. (MD) NO. 1944 / 2013 is concerned the petitioner was joined as LM on 01.10.1993 and from 01.10.1996 was designated as "Trainee". From 01.11.2003 onwards the petitioner was made permanent in the Building Section as Team Work Labourer. The allegation of the petitioner is that on 18.11.2008, the Manager attached to the first respondent informed to increase the work load, which the petitioner resisted and there were some unpleasing events on 18.11.2008. Thereafter the petitioner went for treatment for 8 days and submitted leave application on 21.11.2008 on medical ground. The other averments are similar as stated in



6. Heard Mr.D.Saravanan, learned Counsel appearing for the petitioner and Mr.C.Karthikeyan, learned Counsel appearing for first respondent.

7. It is seen from that deposition of the petitioner that he is not interested in taking up the job. On seeing this reply, the Labour Court has given a categorically finding that the petitioner is not interested in the job. Therefore, the plea of the petitioner to direct the respondent to reinstate is rejected. The Labour Court has given a finding that the management has not stopped the entry of the petitioner. Therefore this Court holds that in order to file this writ petition, the petitioner has stated that the respondent management did not allow any entry to the factory premises. The first respondent management has stated that fearing the disciplinary action, the petitioner has absented himself. Now, the petitioner cannot blame the management.

8. On seeing the entire facts, this Court is convinced that the petitioner has deliberately absented himself and has not shown any interest to rejoin the job. Hence, this Court holds that the petitioner is not entitled to any reinstatement. At this juncture, the learned Counsel appearing for the petitioner submitted that the respondent management has not paid any monetary benefits for the period he has worked in the management. Even the management has accepted that the petitioner has not received any monetary benefits like gratuity, etc. Therefore, this Court directs the first respondent management to pay all the statutory benefits available to the petitioner and apart from these monetary benefits, the management is directed to pay Rs.40,000/- (Rupees Forty Thousand only) as compensation to the petitioners each. All this exercise shall be carried out within a period of six weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

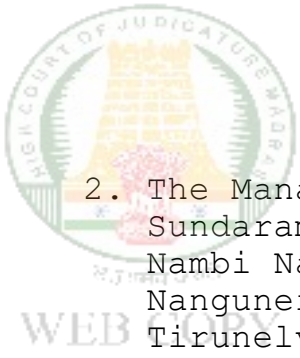
Sub Assistant Registrar (CS)

Tmg

To

1. The Presiding Officer,
Labour Court, Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Management,
Sundaram Textiles Limited,
Nambi Nagar,
Nanguneri Post,
Tirunelveli District.

+2 CC to M/s.D.SARAVANAN, Advocate (SR-38194[F] dated 10/12/2021)

+2 CC to M/s.P.CHANDRA BOSE, Advocate (SR-38210[F] dated
10/12/2021)

Order made in
W.P. (MD) Nos.1943 and 1944 of 2013

10.12.2021

USK (27.12.2021) 4P 7C