



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 09.12.2021**

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**THE HON'BLE DR.JUSTICE ANITA SUMANTH**

**W.P. (MD)No.975 of 2018**

**and**

**W.M.P. (MD) No.1019 of 2018**

1. The Management  
M/s. Sea Horse Industries Limited,  
(Simco Meters),  
96, Meter Factory Road,  
Tiruchirapalli.
2. The Management,  
M/s. Iskremeco Sea Horse Limited,  
126, K. Santhanoor Road,  
Tiruchirapalli.
3. The Management,  
M/s. Iskremeco Regent Limited,  
126, K. Sathanoor Road,  
Tiruchirapalli.
4. Presently functioning as  
M/s. Simco Engineering Limited,  
having Office at No.126, K. Sathanoor Road,  
Tiruchirapalli - 620 021  
represented by its Managing Director. ...Petitioners

Vs

1. The Presiding Officer,  
Labour Court,  
District Court Campus,  
Tiruchirapalli -1.
2. R. Vasu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of certiorarified mandamus, calling for the records pertaining to I.D.No.131/2001 dated 27.08.2012 on the file of the first respondent and quash the same and consequently dismissing the dispute on merits and pass orders.



For Petitioners : Mr. S.K. Mani  
For Respondents : R1- Labour Court  
Mr. C. Padmaraj  
for R2

**ORDER**

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They are four petitioners in this writ petition. P1 and P2 are stated to have been declared as sick and their managements taken over by P3. P3 had thereafter been purchased by P4, which is presently a running company, P4 challenges an award passed by the Presiding Officer, Labour Court, dated 27.08.2012, allowing the industrial dispute filed by R2 and directing the petitioners to pay him backwages for the period 17.10.1988 till date of superannuation, as per law within a period of 60 days along with interest, in the case of default from date of order of Labour Court till date of payment.

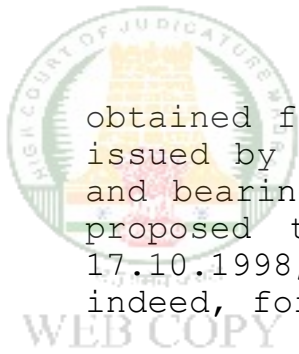
2. The brief facts are that R2 had been an employee with the petitioner companies. Admittedly, the petitioners had issued letter dated 17.10.1998 conveying their intention to retrench/prune employees from its rolls, since according to them, their product was not viable any further. R2 was on leave of absence till 23.10.1998 and upon his reporting for duty on 23.10.1998, he would state he was not permitted to assume duty but had been served with a copy of letter 17.10.1998.

3. Letter dated 23.10.1998 purportedly resigning from the petitioner company was thereafter stated to have been submitted by R2 who states that the same was forcibly obtained. The petitioners thereafter issued a letter of even date accepting the so-called resignation.

4. R2 initially obtained terminal benefits and thereafter approached the Labour Court with an industrial dispute that was contested by the petitioners. The industrial dispute came to be decided by way of the impugned order wherein the court framed the following issues:

- i) Whether letter dated 22.10.1998 whereby R2 resigned from the services of the petitioners was voluntary;
- ii) Whether the petitioner was entitled for reinstatement with continuity of services and back wages;
- iii) To what other relief R2 was entitled to.

5. As far as the first question was concerned, the court found that the letter of resignation was not obtained validly or voluntarily but under coercion. To arrive at this conclusion, R1 notices that the employee had been on leave up to 23.10.1998. When he returned to duty, he was given a copy of the management's letter dated 17.10.1998, in response to which letter dated 23.10.1998 was



obtained from him. The fact that letter dated 17.10.1998 had been issued by the management when the employee was on leave of absence and bearing in mind the position that the aforesaid letter in fact proposed that the employee would be relieved from services on 17.10.1998, R1 would conclude that the so-called resignation was indeed, forcibly obtained.

6. A perusal of letters dated 17.10.1998 and 23.10.1998 would establish that the facts as recorded by the Tribunal are correct and there is no perversity in regard to the same and I thus see no reason to interfere.

7. The only plea putforth by learned counsel appearing for the petitioners at this juncture is that the financial condition of P4 is not stable. However, this is hardly a relevant factor as the challenge before this court is restricted to the legality or otherwise of the impugned order passed by the Labour Court .

8. Yet another point that is putforth is that R2 belonged to the Managerial/Supervisory cadre and that his application before the Industrial court was not maintainable. This point has been adverted to by R1, wherein after noting that R2 had been employed as a junior engineer, R1 states that he was not given any managerial or supervisory role. R1 also records that the position of maintainability was not seriously disputed by the management and that no record had been produced before R1 by the management to prove that he was given any managerial or supervisory role. In light of these conclusions of the Labour Court, this argument is rejected.

9. The impugned order is thus confirmed. The parties concur on the position that R2 has not received the benefits as ordered by R1. Let the same be computed and paid over within a period of 12 weeks from today. Writ Petition is Dismissed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

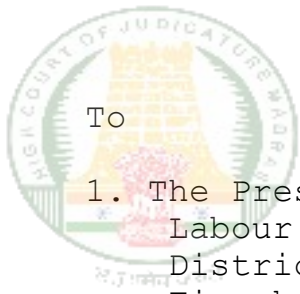
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/ /2022

Sub Assistant Registrar(CS)

mnr

**Note :** *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned*



To

1. The Presiding Officer,  
Labour Court,  
District Court Campus,  
Tiruchirapalli -1.

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+1 CC to M/s.J.KARTHICK BABU, Advocate ( SR-38094[F] dated  
10/12/2021 )

**W.P. (MD)No.975 of 2018 and**  
**W.M.P. (MD) No.1019 of 2018**  
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RD(6.01.2022) 4P 3C