



W.P.No.25155 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2022

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CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.25155 of 2004

N.Raju

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2. The Management of
Raja Shree Spinning Mills,
1186, Avinashi Road,
Peelamedu,
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to I.D.No.681 of 1999 on the file of the first respondent and quash that portion of the award dated 17.02.2003 passed by the first respondent denying 75% backwages to the petitioner and further direct the second respondent to reinstate the petitioner in service with full backwages and



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continuity of service and all other attendant benefits.

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For Petitioner : Mr.K.V.Shanmuganathan

For Respondent 1 : Court

For Respondent 2 : Mr.S.Haroan
for M/s.T.S.Gopalan

ORDER

The learned counsel for the petitioner submitted that the petitioner was joined the service of the second respondent as spinning clerk on 11.03.1991. The petitioner has worked for nearly six years until he was unceremoniously terminated from service on 22.05.1997. Moreover, the last drawn salary of the petitioner is Rs.2650/- This being so, on 22.05.1997, the second respondent has terminated the petitioner from service without any reason. Hence, the petitioner approached the second respondent through legal notice on 20.08.1997, seeking for reinstatement. But the same was not considered by the second respondent. Therefore, the petitioner has personally approached the Chief Executive of the second respondent and made a request to reinstate him into the service. Even after waited for nearly two years, the second respondent has not replied to the petitioner.



2. The learned counsel for the petitioner further submitted that challenging the termination, the petitioner has raised an Industrial Dispute before the Assistant Commissioner of Labour (Conciliation), Coimbatore, and the conciliation was ended in failure. After the failure of the conciliation proceedings, the Conciliation Officer has sent a failure report to the Government of Tamil Nadu. Therefore, the petitioner preferred a claim statement before the Labour Court, Coimbatore, who is the first respondent herein against the second respondent challenging the termination. After going through the materials on record, the Labour Court, Coimbatore had passed an award dated 30.10.2002 in I.D.No.681 of 1999, directed the second respondent to reinstate the petitioner in service with 25% backwages and denied the 75% backwages to the petitioner. Aggrieved over the same, the petitioner has come forward with the present writ petition, seeking for 75% backwages and further direct the second respondent to reinstate the petitioner in service and all other attendant benefits.

3. The learned counsel appearing for the second respondent submitted that the petitioner has raised a dispute after a lapse of three years. Further, the petitioner is the one who absented from service without giving



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any intimation to the second respondent. Moreover, as per the award of the Labour Court dated 30.10.2002, the petitioner was reinstated into service by the second respondent on 18.06.2003 and deposited the backwages of 25%.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. In the present case on hand, it is pertinent to note that it is the petitioner who has absented himself from service without giving prior intimation to the second respondent management and moreover on perusing the material documents, it is clear that the award of 25% backwages to the delinquent employee is sufficient.

6. In view of the above facts and circumstances of the case, this Court is not inclined to interfere with the award passed by the Labour Court in I.D.No.681 of 1999 dated 30.10.2002 and the same is hereby confirmed.

7. In the result, this writ petition stands dismissed. No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The Presiding Officer,
Labour Court,
Coimbatore.



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J.SATHYA NARAYANA PRASAD,J.

Vm

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