



W.P. No.33925 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM

THE HON'BLE MR.JUSTICE **M.S.RAMESH**

W.P. No.33925 of 2013

The Management,
Thirukunam Panchayat Board
by its President
Thirukunam Village,
Anniyur Post,
Villupuram District.

.. Petitioner

Vs

1.S.Ravindran

2.The Presiding Officer,
Labour Court,
Cuddalore.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari, calling for the records made in Final Award dated 07.10.2013 in I.D. No.59 of 2009 on the file of the Labour Court, Cuddalore, the second respondent herein and quash the same.

For Petitioner : Mr.T.Dhanyakumar

For Respondents : Mr.S.Sivakumar for
Mr.K.Mayurapriyan for R1

R2-Court



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ORDER

Challenging the Award dated 07.10.2013 passed by the Labour Court, Cuddalore, the second respondent herein in I.D. No.59 of 2009, this writ petition has been filed.

2.The first respondent herein was employed as a Clerk in the petitioner Panchayat Union from the year 1998 onwards and he was retrenched from service on 07.06.2008 through an oral order. Admittedly, no enquiry was conducted at the time of notice. The conciliation raised by the first respondent herein resulted in failure and the dispute was taken up by the Labour Court in I.D. No.59 of 2009. The Labour Court, had allowed the dispute on the ground that disciplinary proceedings were not initiated against the petitioner, which is mandatory in cases of retrenchment and accordingly, ordered for re-instatement together with back wages and all other benefits.

3.As observed by the Labour Court, when a workman is being retrenched, particularly, when such a workman had put in about 10 years of service, the Management ought to have conducted a proper enquiry by extending due opportunity to such a workman. In the



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absence of any such disciplinary proceedings, the consequential order of punishment would be illegal.

4.In this aspect, I do not find any infirmity in the Award of the Labour Court. Accordingly, the writ petition stands dismissed. No costs.

28.10.2022

Index : Yes
vga

To

The Presiding Officer,
Labour Court,
Cuddalore.



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M.S.RAMESH,J.

vga

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