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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18/02/2022

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WRIT PETITION NO.43421 OF 2016

AND

W.M.P.NO.37280 OF 2016

The General Manager
Coimbatore Murugan Mills
(Unit of National Textile Corporation Ltd)
Mettupalayam Road
Coimbatore 641 043.

... Petitioner

Vs

1. The Presiding Officer
Central Government Industrial Tribunal
-cum- Labour Court, Chennai.

2. J.Jagadeeswaran

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the first respondent in I.D.No.103 of 2015 and quash the Award of the first respondent dated 12/7/2016.

For petitioner ... Mr.Aroon Al Rasheed
for M/s.T.Gopalan & Co.

For respondents ... Mr.V.P.Rajendran
for R.2.

O R D E R

This writ petition is filed by the Textile Mill against the Award, dated 12/7/2016, passed by the first respondent, in I.D.No.103 of 2015.



2. The facts of the case are that the second respondent workman was employed in the petitioner Mill. The worker being a chronic absentee for several years, disciplinary action was initiated against him for habitual unauthorised absence. Despite several opportunities extended to him, on a humanitarian consideration, there was no improvement in the attendance of the workman and therefore, he was finally dismissed from service, on 29/6/2013.

3. Thereafter, Industrial Dispute was raised in I.D.No.103 of 2015, before the Central Government Industrial Tribunal-cum-Labour Court, Chennai. The learned Tribunal, after hearing the parties has finally passed an Award, holding that the workman was entitled to 25% of the backwages during the period of non-employment, i.e., from 29/6/2013 till 3/5/2016, the date on which he reached the age of superannuation. Being aggrieved by the Award, Management is before this Court.

4. When the matter is taken up for hearing, it is submitted on behalf of the petitioner Management that the Mill had already been closed and the workman himself had reached the age of superannuation in 2016 itself.

5. The learned counsel for the Management requests this Court to order for one lumpsum payment, instead of 25% backwages granted by the first respondent Industrial Tribunal.

6. At this stage, learned counsel appearing for the second respondent submitted that a reasonable compensation may be ordered, in view of the submission made on behalf of Management.

7. This Court in consideration of the totality of the circumstances, position of the Management, as on date and also the conduct of the workman during his period of employment, with the consent of both the learned counsel, fixes one lumpsum compensation of Rs.80,000/-.

8. Accordingly, Management is directed to make payment of one lumpsum to the tune of Rs.80,000/-, within a period of four weeks, from the date of receipt of a copy of this order, to the second respondent workman. The workman on payment of the above amount shall have no further claim whatsoever.



9. The impugned award is modified as above and this writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mvs.

To

The Presiding Officer
Central Government Industrial Tribunal
-cum- Labour Court,
Chennai.

+1cc to M/s.T.Gopalan & Co., Advocate, S.R.No.10601

+1cc to Mr.V.P.Rajendran, Advocate, S.R.No.11000

W.P.No.43421 of 2016

GPL(CO)
RLP(16/03/2022)