



W.P.(MD)No.21899 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.10.2022**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21899 of 2015

M.Kannan

... Petitioner

Vs.

1. The Management,
Madura Coats Private Limited,
Coats India,
Papanasam Mills Post,
Ambasamduram – 627 422,
Tirunelveli District.

2. The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the preliminary award and final award passed by the second Respondent in I.D.No.2 of 2015 dated 07.07.2015 and 12.09.2015 respectively, and set aside the same as illegal and further directing the first respondent to reinstate the petitioner into service with



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continuity of service along with back wages and all other attendant benefits.

***(Prayer amended, vide Court order, dated 14.12.2015
in M.P.(MD)No.1 of 2015)***

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.T.Ravichandran

For R2 : Labour Court

ORDER

This Writ Petition is filed for Writ of Certiorarified Mandamus, to quash the preliminary award and final award passed by the second respondent in I.D.No.2 of 2015 dated 07.07.2015. Initially, the writ petition was filed challenging the preliminary award. Subsequently the amendment petition was allowed, vide Court order, dated 14.12.2015 by allowing M.P.(MD)No.1 of 2015.

2. The petitioner was working in the first respondent Mill for 21 years as Topper. The first respondent has issued five charge memos, dated 14.12.2012 and 11.03.2013 for alleged misconduct on various



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occasions during the month of November and December in 2012. The charges alleged against the petitioner is that the petitioner has involved in an illegal strike along with a group of employees numbering 40, which purportedly caused production loss to the Management. It was also alleged the petitioner further committed misconduct by threatening superior officers and co-workers, preventing co-workers from doing their work and disobeying Management orders. After enquiry, the petitioner was dismissed from service. Challenging the same, the petitioner had raised Industrial Dispute in I.D.No.2 of 2015. The Labour Court dismissed the claim of the petitioner and confirmed the order of punishment. Aggrieved over the same, the present writ petition has been filed.

3. In the preliminary award, the Labour Court has held that Natural Justice has been granted to the petitioner and in the final order punishment is confirmed.

4. The learned Counsel appearing for the respondent



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Management submitted that 40 employees had indulged in this strike, only 6 employees were dismissed from service. Other employees were reinstated since they submitted a letter of apology at the earliest point of time. The other six persons who were dismissed from service four of them had preferred a writ petition in W.P.(MD).No.16492 of 2017 whereby, the writ petition was dismissed. Against which the employees have preferred a writ appeal in W.A.(MD)No.116 of 2018 and the same was also dismissed. The writ petitioner is the fifth person who had challenged the dismissal order.

5. Since the issue was considered by the Labour Court elaborately, the co-delinquent's writ petitions and writ appeals were dismissed, this Court is bound to follow the orders of writ petition and writ appeal. Therefore, this Court is dismissing the present writ petition.

6. The learned Counsel appearing for the petitioner submitted that the petitioner was not granted any gratuity under EPF. But the first respondent Management submitted that they have already deposited the



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amount before the EPF Authority and the petitioner is at liberty to withdraw the amount. Therefore, the petitioner is directed to submit a claim before the appropriate EPF Authority and the authority shall disburse the same as early as possible.

7. With the above observation, this Writ Petition is dismissed.

No costs.

20.10.2022

Index : Yes / No
Internet : Yes / No
jbr

To

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2. The Presiding Officer,
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S.SRIMATHY, J

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Order made in
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