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W.P.No.22656 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22656 of 2003 and
WPMP.No.39932 of 2003 & WVMP.No.2198 of 2003

The Management of Glendale Estate
Coonoor 643 102
Nilgiris rep by its
Assistant General Manager

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Coimbatore
2.Jayakaran(deceased)
3.Nagomi
4.Joyal Robinson
5.Ms.Jayakani Rachel, rep. by
Mother, the third respondent
(R3 to 5 substituted as LR's of the
deceased R2 Jayakaran as per order
dated 29.06.2018 in WMP.No.17866
of 2018 in WP.No.22656 of 2003)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for the records of the first respondent in ID.No.592 of 1999 and quash its award dated 21.01.2003.

Petitioner : Mr.A.P.Venkatesh Prasad
for M/s.T.S.Gopalan & Co.

For Respondents



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R1 : Court

R2 : Died(steps taken)

For R3 to 5 : Mr.V.Govardhanan
for M/s.Row and Reddy

ORDER

This writ petition has been filed challenging the award passed by the first respondent in ID.No.592 of 1999 dated 21.01.2003, thereby ordered to reinstate the second respondent into service with continuity of service and without any backwages.

2. Heard, the learned counsel appearing on either side.

3. On perusal of the award passed by the first respondent, this Court find no perverse or irregularity. While pending the writ petition, the second respondent died and his legal representatives have been substituted as respondents 3 to 5. Therefore, reinstatement into service does not arise. As such, this Court is inclined to modify the award as compensation instead of 'reinstatement of the deceased second respondent into service'. Accordingly, the award passed by the first



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respondent in ID.No.592 of 1999 dated 21.01.2003 is modified to the effect that the petitioner herein shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as compensation to respondents 3 to 5 herein within a period of eight weeks from the date of receipt of copy of this Order.

4. In the result, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

21.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok

To

1. The Presiding Officer,
Labour Court, Coimbatore
2. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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