



W.P.No.16911 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

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

Writ Petition No.16911 of 2004

N.Ayyadurai

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
High Court Compound,
Chennai – 600 104.

2.The Management of Prasad Film Laboratories,
22, Arunachalam Road, Saligramam,
Chennai – 600 093.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records and papers from the first respondent in I.D.No.305 of 1996 and quash its impugned award dated 05.02.2004 insofar as the first respondent has negatived the claim of the petitioner for reinstatement in service with back wages, with continuity of service and with all other attendant benefits and to award costs of this Writ



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Petition.

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For Petitioner : Mr.S.Kumaraswamy

For Respondent 1 : Court

For Respondent 2 : Mr.John Zachariah
for Mandal & Associates

ORDER

The relief sought by the petitioner in this writ petition is to call for the records and papers from the first respondent in I.D.No.305 of 1996 and quash its impugned award dated 05.02.2004 insofar as the first respondent has negatived the claim of the petitioner for reinstatement in service with back wages, with continuity of service and with all other attendant benefits and to award costs of this Writ Petition.

2. The case of the petitioner is that the petitioner was worked as a Assistant in the second respondent/Laboratory from 01.09.1984. The petitioner was issued a charge memo dated 25.02.1995 for the misconduct of theft, fraud or dishonesty in connection with the employer's business or



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property and subsequently, he was dismissed from service by an order dated 01.12.1995. Aggrieved over the same, the petitioner has raised an Industrial Dispute in I.D.No.305 of 1996 before the first respondent/Labour Court and the same was dismissed by the first respondent/Labour Court on 05.02.2004. Challenging the said award, the present writ petition has been filed.

3. When the matter was taken up for hearing, learned counsel for the petitioner submitted that the petitioner is a senior citizen aged about 68 years and the second respondent/Laboratory has also been closed few years ago. Hence, he prayed to this Court that the relief may be given to the petitioner by way of compensation, that may be ordered by this Court.

4. The learned counsel for the second respondent did not dispute the above facts submitted by the learned counsel for the petitioner.

5. Heard the learned counsel on either and perused the materials available on record.



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6. In view of the submission made by the learned counsel on either side and considering the fact that the petitioner is a senior citizen aged about 68 years and the fact that the second respondent/Laboratory has also been closed, this Court is of a considered view that awarding of some compensation to the petitioner/workman will be appropriate to meet the ends of justice. Hence, this Court directs the second respondent to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) towards compensation in full quit to the petitioner, within a period of four weeks from the date of receipt of a copy of this Order.

7. This writ petition is disposed of with the aforesaid direction. No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The Presiding Officer,

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J.SATHYA NARAYANA PRASAD,J.

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