



WEB COPY



W.P.No.20080 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.20080 of 2010
and M.P.Nos.1, 2 and 3 of 2010

The Management,
JO Geo Enterprises
15 Kannivakkan & Post
Guduvancherry Via
Kancheepuram District 603 202
Rep by its Proprietor
Mr.Jose Mathew

...Petitioner

-Vs-

1.The Presiding Officer,
III Additional Labour Court,
Chennai.

2.Thiru D.Pradeep Kumar

3.Thiru R.Loganathan

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, calling for the records of the 1st respondent in I.D.Nos.211 and 212 of 2004 and quash its common award dated 14.05.2010 in so far as it directs the petitioner to pay compensation of Rs.60,000/- to the respondents 2 and 3.



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For Petitioner : M/s.S.B.Keerthana
for M/s.T.S.Gopalan and Co.
For R1 : Labour Court
For R2 and R3 : Mr.P.Solomon

ORDER

This writ petition is filed challenging the order of the Labour Court directing the petitioner to pay a sum of Rs.60,000/- to each of the respondents 2 and 3.

2.Brief facts that are necessary for the disposal of this writ petition are as follows:

2.1.The deponent is the proprietor of the petitioner's establishment and is engaged in job work for certain leather industries. Respondents 2 and 3 were given employment by the petitioner.

2.2.It is the case of respondents 2 and 3 that they were illegally terminated from service and from employment. The Labour Court found that the termination of employment as against respondents 2 and 3 was illegal and contrary to the contract of employment.



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2.3.Taking into account the nature of business of the petitioner, the Labour Court directed the petitioner to pay a sum of Rs.60,000/- as compensation to respondents 2 and 3 respectively in lieu of reinstatement. Aggrieved by the same, the above writ petition is filed by the Management.

3.The learned counsel for the petitioner tried to convince this Court that the impugned order is illegal and contrary to the principles of law settled. However, in the course of the hearing, after pointing out the findings of the Labour Court, the learned counsel submitted that the Management will settle the amount as directed by the Labour Court.

4.The learned counsel for respondents 2 and 3 further submitted that the Management has not raised any valid grounds and that the employees were deprived of employment. Pointing out that the employees were illegally terminated from service in 2003 and respondents 2 and 3 were out of employment for nearly 20 years, the learned counsel submitted that the petitioner should be directed to pay interest for the amount due as directed by the Labour Court.



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5.The grievance of respondents 2 and 3 appears to be reasonable. Respondents 2 and 3 were terminated from service on 07.03.03. Though respondents 2 and 3 challenged the illegal termination in 2004 before the Labour Court, the Labour Court disposed of the Industrial Dispute only on 14.05.2010. Respondents 2 and 3 were deprived of employment for nearly 20 years for no fault of them. Since the Management has conducted enquiry contrary to the agreement reach before Conciliation Officer, the Labour Court passed the order directing the petitioner to pay compensation. This Court cannot interfere with findings on facts which have been admitted and found by the Labour Court.

6.Respondents 2 and 3 are not reinstated though the Labour Court has categorically found that the order of termination is illegal. This Court is unable to agree with the stand taken by the petitioner in the counter affidavit before the Labour Court as well as the affidavit filed in support of the above writ petition.

7.Having regard to the peculiar facts and circumstances of the case, this Court confirms the order of the Labour Court directing the petitioner



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to pay a sum of Rs.60,000/- to each of the respondents 2 and 3 and pay interest at the rate of 6% per annum from the date of filing of the writ petition.

8. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

09.03.2023

cda

Index : Yes/No



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S.S.SUNDAR. J.,

cda

To

- 1.The Presiding Officer,
III Additional Labour Court,
Chennai.
- 2.Mr.Jose Mathew,
The Management,
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