



W.P.No.24807 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM:

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

W.P.No.29807 of 2011

J.Jeyasingh

... Petitioner

Vs.

1.The Presiding Officer,
III Additional Labour Court,
City Civil Court Building,
Chennai

2.The Management,
M/s.USV Private Limited,
Corvette Division,
at No.9, Adwave Towers,
D Block, 1st Floor, South Boag Road
T.Nagar, Chennai 600 017

(cause title of second respondent accepted
vide order dated 21.09.2023 in
WMP.No.16951 of 2020 in
WP.No.24807 of 2011)

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue Writ of Certiorarified Mandamus calling for the records
relating to the award dated 29.04.2011 in ID.No.237 of 2006 on the file



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of the Presiding Officer, III Additional Labour Court, City Civil Court Buildings, Chennai, the 1st respondent herein and to quash the same and to direct the second respondent to reinstate the petitioner with backwages, continuity of service and all other service benefits from 28.05.2003.

Petitioner : Mr.P.Kumanan

For Respondents

R1 : Court

R2 : No appearance

ORDER

This writ petition has been filed challenging the award passed by the first respondent insofar as it relates to “without ordering reinstatement of the petitioner with backwages, continuity of service and all other service benefits”.

2. Heard, the learned counsel appearing on either side.
3. The petitioner was working as a permanent employee under



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the second respondent management as Territory Sales Manager and also doing the job of Medical Representative for the Coimbatore territory. He was initially appointed as a probationer on 26.02.1999 and subsequently, his service was confirmed and he was paid Rs.6,150/- as monthly salary. His last drawn pay was Rs.9,401.75/-. While being so, on 27.05.2003, he was terminated from service with effect from 28.05.2003 on the alleged charges of continued negative growth as well as sales performances, continued non-observation of company rules, unsatisfactory performances and false reporting. The termination order was passed without conducting any enquiry and without giving opportunity of hearing to the petitioner, therefore the first respondent held that the second respondent failed to prove the allegations and as such, order of termination cannot be sustained and set aside the same. However, instead of ordering reinstatement into service, backwages and service continuity, the Labour Court awarded only compensation of Rs.60,000/- without any justification.

4. Admittedly, the petitioner's last drawn pay was Rs.9401.75/-



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Further, though the Labour Court found that the petitioner is a workman as contemplated under the purview of Section 2(S) of the Industrial Disputes Act and concluded that the order of termination was illegal, even then the first respondent failed to order reinstatement of the petitioner into service. That apart, without any justification, mechanically awarded compensation of Rs.60,000/-. It is very meagre and low. Now, it is not possible to join once again in the same post by the petitioner and as such, this Court felt that the compensation amount of Rs.60,000/- may be enhanced to the tune of Rs.1,50,000/-. Accordingly, the compensation of Rs.60,000/- is hereby enhanced to the tune of Rs.1,50,000/-.

5. Even till today, there is no proof to show that the second respondent paid the compensation amount of Rs.60,000/- as awarded by the first respondent. Therefore, the petitioner is entitled for interest. Accordingly, the second respondent shall pay the enhanced compensation of Rs.1,50,000/- with interest at the rate of 6% per annum from the date of the award till the date of realisation, within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of.



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There shall be no order as to costs.

21.09.2023
(2/2)

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

- 1.The Presiding Officer,
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- 2.The Management,
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3. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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