



WEB COPY



WP.No.7266 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7266 of 2018
& W.M.P.Nos.9029 of 2018

The Management of
Manali Petrochemicals Ltd
Ponneri High Road
Manali
Chennai-600 068
Rep by its Whole Time Director (works)

...Petitioner

Vs

1.The Presiding Officer,
1st Addl.Labour Court,
Chennai.

2.S.Sundaresan

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of certiorari calling for the records of the 1st respondent in ID.No.313 of 2014 and quash its Award dated 01.09.2017.

For Petitioner	: Mr.G.Anand
For Respondent-2	: Mr.S.Ravi



WP.No.7266 of 2018

ORDER

Aggrieved by the impugned award passed by the 1st respondent Labour Court in I.D.No.313 of 2014, the petitioner is before this Court.

2. The facts in brief are :-

The 2nd respondent was working as a Grade II Technician in the petitioner management. Due to his unauthorised absence to work, a show cause notice was issued to the 2nd respondent, however, the explanation given by the 2nd respondent for the show cause notice was not satisfactory. Hence, the domestic enquiry was conducted and the enquiry officer submitted his enquiry report holding the charges proved against the petitioner. Based on the said enquiry report, a second show cause notice was issued to the 2nd respondent along with the findings rendered by the Enquiry Officer. Being unconvinced with the explanation given by the 2nd respondent, he was dismissed from service by an order dated 07.05.2012. As against the said dismissal order, the 2nd respondent raised a dispute before the 1st respondent Labour Court wherein, the impugned award came to be passed in I.D.No.313/2014 ordering reinstatement with 75% of back wages and all



WP.No.7266 of 2018

WEB COPY

other attendant benefits. Challenging the same, the management has filed this Writ Petition.

3. Subsequently, the management filed W.M.P.No.9029 of 2018 seeking to grant the interim stay of the impugned award of the Labour Court in I.D.No.313 of 2014; and the workman filed W.M.P.No.26725 of 2018 seeking to pay the last drawn wages to the workman every month from the date of award i.e., 01.09.2017 till the date of disposal of this Writ Petition.

4. When the matter is taken up, learned counsel for the petitioner management would submit that pursuant to the award passed by the Labour Court in I.D.No.313 of 2014, though the petitioner agreed to reinstate the 2nd respondent into service on 04.06.2019 and sent a letter to that effect, however, the 2nd respondent reported to duty only on 05.09.2019. However, pursuant to the order passed by this Court in W.M.P.No.26725 of 2018, the workman was paid 17-B wages till the year 2020. He further submitted that the petitioner is ready to reinstate the 2nd respondent into service with 50% backwages.



WP.No.7266 of 2018

WEB COPY

5. Today, the 2nd respondent appeared before this Court along with his Advocate and agreed to join the services of the petitioner management with 50% backwages if the petitioner is ready to reinstate him with continuity of service. However, liberty may be granted to the 2nd respondent to file computation petition with regard to wages after 05.09.2019.

6. In view of the consent expressed by either parties, this Court is inclined to modify the impugned award. The petitioner management is directed to reinstate the 2nd respondent into service with 50% backwages from the date of dismissal to the date of reinstatement i.e., 05.09.2019 along with continuity of service, within a period of two weeks from the date of receipt of a copy of this order. However, liberty is granted to the 2nd respondent to workout the remedy with regard to wages from the date of reinstatement. The amount which has been deposited by the management towards 17B wages shall be adjusted towards payment of 50% of backwages.



WEB COPY



WP.No.7266 of 2018

7. Accordingly, the Writ Petition is disposed of with the above modification and direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

11.09.2023

Index : Yes (or) No

Neutral Citation : Yes (or) No

NHS

To

The Presiding Officer,
1st Addl.Labour Court,
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WP.No.7266 of 2018

M.DHANDAPANI,J

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