



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM

THE HON'BLE Mr. JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.26715 of 2013

The Management
Micro Plast Industries (P) Limited,
Rep. by Accounts Head,
No.55, Vyasarpadi Co-operative Industrial Estate,
Vyasarpadi,
Chennai – 600 039.

.. Petitioner

Vs.

1.S. Kapilan

2.The Presiding Officer,
I Additional Labour Court,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order dated 06.04.2013 in I.D.No.118 of 2011 of the 2nd respondent and quash the same.

For Petitioner

.. Mr. S. Prabhu

For M/s. Jury Brain Law Offices

For R1

.. Mr. K. M. Ramesh, Senior Counsel

For Ms. K. Bharathy

**ORDER**

This Writ Petition challenges the order of the I Additional Labour Court, Chennai in I. D. No. 118 of 2011 dated 06.04.2013.

2.The workman was a Printing Machine Operator. He joined the service of the writ petitioner on 12.02.1999. He was terminated from service without an enquiry or a written order on 07.05.2010. He raised a dispute before the I Additional Labour Court at Chennai. A settlement was arrived at between the parties on 03.12.2010. On the basis of the settlement, the Management agreed to pay a sum of Rs.30,000/- as back wages and agreed to reinstate the workman with effect from 08.12.2010.

3.When the workman went to report for duty on 08.12.2010, the Management denied employment. He, therefore, sent a letter stating that, he is willing to join and it was the Management not permitting him to perform his duties. The Management agreed to reinstate him and did so on 15.12.2010. The workman also joined the duty on and from 15.12.2010. Thereafter, he took holidays from 29.01.2011 to 21.02.2011.



4. On the expiry of the holidays, when he returned to duty, he was informed that he was not required any more. Therefore, he yet again raised an Industrial Dispute and during the conciliation proceedings, he was informed that he was terminated from the service on 28.04.2011. The Labour Court framed an issue whether the dismissal dated 28.04.2011 is justified.

5. It is not in dispute that the workman was appointed as permanent employee and was drawing a sum of Rs.9,377/-. The Labour Court came to conclusion that the Management did not follow the procedure as contemplated under Section 25F of the Industrial Disputes Act, before terminating him from service. However, it came to the conclusion that it is not willing to order reinstatement of the workman. Instead, it ordered a compensation to be paid of Rs.3,00,000/-.

6. The learned counsel for the Management would submit that the order of the Labour Court is wrong and requires interference by this Court.



7.Mr. K. M. Ramesh, learned Senior Counsel for the workman, would pointed out that there is a violation of Section 25F of the Industrial Disputes Act and therefore, the order of dismissal is wrong. Therefore, the workman is entitled for the compensation fixed by the Labour Court.

8.I have carefully gone through the award.

9.It is not in dispute that the petitioner is a permanent employee. Further, it is also not in dispute that he was dismissed from service without enquiry and that there is also violation of Section 25F of the Industrial Disputes Act.

10.In the light of the above, I necessarily have to come to the conclusion that the award passed by the Labour Court is in accordance with law and it is not tainted with illegality or perversity, requiring interference on the hands of this Court. Therefore, this Writ Petition is dismissed. No costs.

11.The learned counsel for the Management would submit that the



petitioner has deposited a sum of Rs.3,00,000/- to the Credit of I.D.No. 118 of 2011.

12.Mr. K. M. Ramesh, learned Senior Counsel stated that the workman has already been permitted to withdraw a sum of Rs.1,50,000/-.

13.In the light of the dismissal of the writ petition, the workman will be entitled to withdraw the remaining amount along with the accrued interest, if any.

15.06.2023

Index:Yes/No

Neutral Citation : Yes/No

smv

To

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



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V. LAKSHMINARAYANAN, J.

smv

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