



WP.No.19708 of 2016

In the High Court of Judicature at Madras

Dated : 04.8.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.19708 of 2016

R.Shyam Kumar

...Petitioner

Vs

1.The Presiding Officer, First
Additional Labour Court,
Chennai-104.

2.The Management, Petronax
Forex & Travel Services Pvt.
Ltd., No.F-15, Spencer Plaza
Phase I, I Floor, No.769,
Anna Salai, Chennai-2.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent relating to the impugned award in I.D. No.376 of 2013 dated 03.6.2015, quash the same and direct the second respondent to reinstate the petitioner in service with full back wages, continuity of service and other attendant service benefits and award cost.

For Petitioner	:	Mr.S.Ravi
For Respondent-2	:	No appearance



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ORDER

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This is a petition filed by the petitioner seeking to quash the award dated 03.6.2015 in I.D.No.376 of 2013 on the file of the first respondent.

2. The facts leading to filing of this case are as follows :

(i) The petitioner was working under the second respondent as Assistant Executive from 13.12.2010. The second respondent had not implemented the labour welfare schemes. Hence, the petitioner requested the second respondent to implement the same. However, instead of considering the request made by the petitioner, the second respondent got signature of the petitioner on 01.4.2013 in a blank paper and orally terminated him from the services. The second respondent never issued any charge memo nor conducted any enquiry prior to termination of his services.

(ii) Therefore, at the instance of the petitioner, conciliation proceedings were initiated and they ended in failure. Thereafter, the petitioner raised the industrial dispute before the first respondent. In that, the second respondent filed a counter mainly contending that the petitioner voluntarily resigned the job on 31.3.2013. However, the first respondent



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dismissed the industrial dispute by the impugned award on the ground that no person in the position of the petitioner would have signed a blank paper, that there was no necessity for him to put signature in a blank paper, that the petitioner had not explained the circumstances, under which, he was obliged to put signature, that if really the second respondent forced the petitioner to put signature in a blank paper, he would have certainly gone to the police and taken legal steps against the second respondent and that the petitioner resigned his job and the letter of resignation was given by the petitioner. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner submits that the petitioner management availed the services of the second respondent as Assistant Executive from 13.12.2010 and successfully completed three years of service in the respondent management. He further submits that the management witness i.e., M.W.1 during his cross examination himself admitted the fact that the petitioner was in continuous employment from the year 2010 till 2013.



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4. He further submitted that the alleged resignation letter which was alleged to have been obtained from the petitioner was accepted by the management without issuing any prior notice to the petitioner, which clearly reveals that the petitioner was orally terminated from the services of the management. Hence, the order passed by the Labour Court is perverse and the same needs interference of this Court.

5. Heard the learned counsel for the petitioner. Though the second respondent was served and their name printed in the cause list, none appears for them nor any representative of the second respondent is present before this Court.

6. Admittedly the petitioner was appointed as Assistant Executive in the respondent management rendering three years of service in the respondent management. It is clear from the deposition of management witness M.W.1 during his cross examination that M.W.1 admitted the fact that the petitioner rendered three years continuous service and it appears that the petitioner submitted the resignation letter on 01.04.2013, however,



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the conciliation proceedings was initiated after a period of three months. Though, according to the petitioner the respondent management forcibly obtained the signature of the petitioner in a blank paper, which was subsequently converted into a resignation letter, however, the petitioner has neither approached the law enforcing agency as against the said act of the respondent management nor sent any retraction letter to the management. Since the above said facts were not clearly demonstrated by the petitioner before the Labour Court, the order passed by the Labour Court stating that the petitioner voluntarily resigned the aforesaid job cannot be interfered with.

7. With the above observation, this writ petition is dismissed. No costs.

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rap

Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No

To

The Presiding Officer, First
Additional Labour Court, Chennai-104.

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