



WEB COPY



W.A. No. 2291 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No. 2291 of 2023

S. Sivaprakash

..Appellant

Vs.

1. The Presiding Officer,
Labour Court, Puducherry – 605 001.

2. M/s. Hindustan Unilever Limited,
NH 45A, Personal Products Factory,
Vadamangalam, Puducherry,
represented by
Regional Legal Manager/
Authorized Signatory
Vidhya Chandrasekar

..Respondents

Prayer: Writ Appeal as against the order dated 14.07.2022 in W.P. No.
1762 of 2018.

For Appellant :: Mr.P.R. Thiruneelakandan



W.A. No. 2291 of 2023

For Respondents :: R1 – Labour Court
Mr.M. Narendran for
M/s. King & Partridge
for R2

J U D G M E N T

(Delivered by S. Vaidyanathan,J.)

The present writ appeal has been preferred by the workman as against the order of remand dated 14.07.2022 passed by the learned Single Judge in W.P. No. 1762 of 2018.

2. Disciplinary proceedings were initiated against the appellant, who was appointed as an Operator and working as such in the 2nd respondent factory, pursuant to a complaint given by two women employees and based on domestic enquiry conducted by the Management, decision was taken to remove the appellant from service. The order of termination was referred by the Government before the Labour Court i.e, Industrial Tribunal cum Labour Court, Puducherry and the same was taken on file as I.D.(L) No. 09 of 2014. The Labour Court, by award dated 16.11.2017, while declaring that the termination of the appellant was illegal,



W.A. No. 2291 of 2023

directed the management to reinstate him in service with 30% backwages from the date of termination till the date of reinstatement with continuity of service and other attendant benefits. Aggrieved over the said award, the appellant preferred the writ petition. The learned Single Judge, by the order under challenge, set aside the award passed by the Labour court and remanded the matter back to the Labour Court for retrial. Challenging the same, the present intra court appeal has been preferred.

3. Heard both sides.

4. The attention of this Court is drawn to the fact that pursuant to the remand order passed by this Court, the Labour Court has re-heard the matter and passed a fresh award granting reinstatement with 30% backwages from the date of reinstatement. The order of the learned Single Judge in remanding the matter is not correct as there is no perversity in the award and by means of subsequent award, the Labour Court has once again granted the very same relief with 30% backwages apart from reinstatement. However, it deprives the employee the benefit of 100% backwages on and



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W.A. No. 2291 of 2023

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv

from the date of the earlier award i.e, 16.11.1997. Since final award has been passed, after remand, on 01.08.2023, this Court is not inclined to go into the various aspects raised by the parties in the present writ appeal. Whether the appellant would be entitled to full backwages from the date of dismissal or at least full backwages on and from the date of the earlier award is left open to the parties to agitate, in case, the award dated 01.08.2023 is questioned. Leaving all the issues open for the parties to address, in case any of the parties files a writ petition questioning the award, the writ appeal stands closed. No costs.

nv

(S.V.N.J.) (K.R.S.J.)
21.08.2023

W.A. No. 2291 of 2023