



WEB COPY



W.P. No. 27604 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 27604 of 2016

S.Prabhakaran

... Petitioner

-VS-

1. M/s.United India Shoe Corporation Pvt. Ltd.
Bottom Division
Selur, Ambur.

2. The Principal Labour Court
Vellore.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the award passed by the second respondent Labour Court in I.D.No.18/2008 dated 07.02.2011 and quash the same and to direct the first respondent to re-instate the petitioner with back wages and other attendant benefits.

For Petitioner : Mr.M.MD.Ibrahim Ali

For Respondents : Mr.A.Venkatesh Kumar
For M/s.Gupta & Ravi (R1)
R2-Court

ORDER

The petition has been filed seeking to quash the award passed by the second respondent Labour Court in I.D.No.18/2008, dated 07.02.2011 and to direct the first respondent to re-instate the petitioner with back wages and other



W.P. No. 27604 of 2016

without considering entire facts, rejected the petition, which needs to be interference.

4. Per contra, the learned counsel for the first respondent submitted that during pendency of the writ petition, the first respondent company was closed and reported no instructions.

5. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner was entered into service with the first respondent in the year 1991. For his alleged unauthorized absent, he was terminated from service, for which, the petitioner has raised an industrial dispute before the Labour Court and the same was rejected. For reinstatement of service, the petitioner has come before this Court. However, the learned counsel for the first respondent submitted that the company has closed now and the said issue was landed before the NCLT.

7. In such view of the matter, the order of reinstatement does not arise.

Considering the quantum of compensation, the Labour Court awarded for a sum



W.P. No. 27604 of 2016

of Rs.30,000/-, which is very meager and this Court is inclined to modify the same for a sum of Rs.50,000/- as compensation. Accordingly, the first respondent is directed to pay a sum of Rs.50,000/- (Rupees fifty thousand only) as compensation to the petitioner on priority basis.

8. With the above direction, the writ petition is disposed of. No costs.

26.07.2023

Rli

Index: Yes/No

NCS : Yes/No

To

1. M/s.United India Shoe Corporation Pvt. Ltd.
Bottom Division
Selur, Ambur.
2. The Principal Labour Court
Vellore.



WEB COPY



W.P. No. 27604 of 2016

M.DHANDAPANI, J.

Rli

W.P. No. 27604 of 2016

26.07.2023