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W.P.Nos.2976, 2979 and 2980 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.2976, 2979 and 2980 of 2016

And

W.M.P.Nos.2456, 2459 and 2460 of 2016

The Management of
Dr.Navalar Nedunchezian College of Engineering
Rep. by its
Administrative Manager ... Petitioner in all the W.Ps.

Vs.

1.K.Thangavel	... Respondent in W.P.2976/2016
1.K.Subramanian	... Respondent in W.P.2979/2016
1.M.Ilangovan	... Respondent in W.P.2980/2016
2.The Presiding Officer, Labour Court, Cuddalore.	... Respondent in all the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records on the file of the second respondent relating to the impugned award of the second respondent dated 27.05.2015 passed in I.D Nos.9, 8 and 7 of 2014 respectively and quash the same.



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For Petitioner : Mr.R.Arumugam
For Respondents : Mr.M.Bhuvaneshwar for R1

COMMON ORDER

The petitioner has filed these writ petitions seeking issuance of Writ of Certiorari calling for the records on the file of the second respondent relating to the impugned award of the second respondent dated 27.05.2015 passed in I.D Nos.9, 8 and 7 of 2014 respectively and quash the same.

2.Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order. For brevity, the respective first respondent would be hereinafter referred to as 'Workmen' and the petitioner would be hereinafter referred to as 'Management'.

3.The facts of the case is that the Workmen joined the service of the Management as Driver on 05.06.2007, Driver on 16.08.2011 and Mechanic on 03.10.2013 respectively and their last drawn pay was Rs.6,300/- per month, Rs.6,300/- per month and Rs.7,800 per month and a sum of Rs.756/-, Rs.756/- and Rs.750/- respectively, was deducted from their salary towards provident fund. The Workmen



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were orally terminated from service on 12.10.2013, 17.12.2013 and 03.10.2013 respectively without any notice or enquiry. Hence, the Workmen raised industrial disputes in I.D Nos.9, 8 and 7 of 2014 respectively before the second respondent and the second respondent passed award in favour of the Workmen directing the Management to reinstate the Workmen with backwages and continuity of service. Challenging the same, the Management has filed these writ petitions.

4.The learned counsel appearing for the Management submitted that the Management is ready to reinstate the Workmen, however, these writ petitions have been filed challenging the award in respect of backwages and continuity of service. The learned counsel further submitted that if the Workmen give up backwages, the Management is ready to reinstate them with continuity of service.

5.The learned counsel appearing for the Workmen on instruction raise no serious objection for the Workmen giving up the backwages.

6.In view of the consent view expressed on either side, this Court modifies the award passed by the second respondent dated 27.05.2015 in I.D Nos.9, 8 and 7 of 2014 respectively, as follows:



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(i)The petitioner/ Management is directed to reinstate the respective first respondent/ Workmen with continuity of service, within a period of two weeks from the date of receipt of a copy of this order.

(ii)The respective first respondent/ Workmen are not entitled for any backwages.

7.The writ petitions are disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

10.07.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Presiding Officer,
Labour Court,
Cuddalore.



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M.DHANDAPANI,J.
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