



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.34155 of 2016
and WMP.No.29479 of 2016 and 23541 of 2019

The Management of
S.N. Electronics India Private Ltd.,
No.40 & 44, Neeravallur Village,
Kancheepuram Taluk,
Kancheepuram District.

... Petitioner

Vs.

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

2. R.Sampath

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the first respondent in ID. No.64 of 2011 and quash the award dated 12.10.2015.

For Petitioner : Mr.D.Nandagopal

For Respondents : R1- Court
Mr.T.Ramkumar, R2

ORDER

The petition has been filed seeking to quash the order of the first respondent in ID. No.64 of 2011, award dated 12.10.2015.



WEB COPY

2. It is the case of the petitioner that the petitioner Company is involving in the manufacturing of spare parts to various electronics appliances and the company is having employed more than 300 workers in its factory. The second respondent was working as operator press department in the petitioner's company. On 20.09.2010 when the second respondent was on duty, he sustained injury when tool mold iron particle had felt on his eyes. The petitioner company provided first aid and was taken to the hospital. When the HRD Manager enquired about the accident, the second respondent misbehaved with him. On the next day, the second respondent suspended and charge memo was issued for his misconduct as per the standing orders of the company. On 25.09.2010 the second respondent has given his explanation and after considering his explanation and personnel hearing in the interest of company on 04.10.2010, he was terminated from the service by the petitioner company. Therefore, the second respondent raised Industrial Dispute before the Assistant Commissioner of Labour, Sriperumbudur ended in failure and the second respondent approached the first respondent Labour Court by raising an Industrial Dispute in ID No.64 of 2011. The Labour Court, vide order dated 12.10.2015, allowed the petition and stated that the charges against the second respondent could not be accepted and hence, the termination of



second respondent is illegal and directed reinstatement of the second respondent with backwages and confirming of services. Challenging the said order, the present petition has been filed.

3. The learned counsel for the petitioner company submitted that during pendency of this petition, the second respondent has joined in Forest Department in the year 2018 and hence, there is no question of reinstatement. However, the petitioner company is ready to pay a sum of Rs.3,00,000/- to the second respondent towards backwages.

4. The learned counsel for the second respondent submitted that admittedly the second respondent has joined in Forest Department. Even then, the second respondent is entitled to get backwages as he was working as permanent employee in the petitioner company.

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

6. Taking into consideration of the facts and circumstances of the case



and also of the fact that the second respondent raised an industrial dispute for termination of his service and subsequently he joined duty in Forest Department. However, the petitioner company has come forward to pay the back wages to the second respondent for a sum of Rs.3,00,000/-.

7. In such view of the matter, this Court directs the petitioner to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) as compensation to the second respondent as one time settlement within a period of four weeks from the date of receipt of a copy of this order. In view of the above order, the impugned awarded is modified to the above terms.

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

20.07.2023

rli

Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

To
The Presiding Officer,
II Additional Labour Court,
Chennai.



WEB COPY



M.DHANDAPANI, J.

rli

W.P.No.34155 of 2016

25.07.2023