



W.P.No.15380 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15380 of 2018

and

W.M.P.No.18274 of 2018

The Management,
Glenrock Estate,
Pandalur (P.O),
Nilgris.

... Petitioner

Vs.

1. The Additional Labour Court,
Coimbatore.

2. Kalimuthu

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari calling for the records in I.D.No.153 of 2011 on the file of the 1st respondent dated 13.12.2017 (served on the petitioner on 11.04.2018) and quash the same as illegal.

For Petitioner : Mr.D.J.Venkatesan

For R1 : Labour Court

For R2 : Mr.Karl Marx



W.P.No.15380 of 2018

ORDER

WEB COPY

This writ petition has been filed seeking for issuance of a writ of certiorari to quash the award passed by the 1st respondent in I.D.No.153 of 2011 dated 13.12.2017 (served on the petitioner on 11.04.2018).

2. It is the case of the petitioner that the petitioner company is cultivating plantation crops such as tea, coffee and other allied crops like rubber, pepper and cardamom. While so, the 2nd respondent was appointed in the petitioner's company since 01.09.2005. Due to the unauthorized absence of the 2nd respondent, he was issued with a show cause notice on 10.02.2010 and since his explanation was not satisfactory, he was dismissed from service, pursuant to the enquiry being conducted. Aggrieved over the same, the 2nd respondent raised an industrial dispute in I.D.No.153 of 2011 before the 1st respondent. However, the 1st respondent vide Award dated 13.12.2017 directed the petitioner to reinstate the 2nd respondent with continuity of service and directed to pay 25% back wages to the 2nd respondent. Challenging the same, the petitioner has come up with this writ petition seeking the aforesaid relief.



W.P.No.15380 of 2018

WEB COPY

3. Heard learned counsel appearing on either side and perused the materials placed on record.

4. Though the above writ petition has been filed seeking to quash the impugned order dated 13.12.2017 passed by the 1st respondent in I.D.No.153 of 2011, however, the learned counsel for the petitioner, on instructions submits that during the pendency of this writ petition, there was an amicable settlement between the parties and he further submitted that since the petitioner has already deposited a sum of Rs.78,000/- before the Labour Court, the remaining amount to the tune of Rs.2,20,000/- will be paid within the time frame that may be stipulated by this Court. The learned counsel for the 2nd respondent also did not dispute the submission made by the learned counsel for the petitioner.

5. In view of the submission made by the learned counsel on either side and in view of the settlement entered into between the parties, the Award dated 13.12.2017 passed by the 1st respondent is modified as hereunder:

(i) The petitioner management to pay a sum of



WEB COPY



W.P.No.15380 of 2018

Rs.2,20,000/- in favour of the 2nd respondent by way of Demand Draft within a period of one (1) week from the date of receipt of a copy of this order.

(ii) The 1st respondent is directed to disburse the amount which was already deposited by the petitioner management to the tune of Rs.78,000/- along with accrued interest to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction and observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

Index :Yes/No

Internet:Yes/No

NCC : Yes/No

rap

To

The Additional Labour Court,



Coimbatore.

WEB COPY



W.P.No.15380 of 2018

M.DHANDAPANI, J.



WEB COPY



W.P.No.15380 of 2018

rap

W.P. No.15380 of 2018

05.09.2023