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W.P.No.19615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19615 of 2023

And

W.M.P.No.18872 of 2023

M/s.Loyola Matriculation Higher Secondary School
Rep. by its Correspondent,
No.3 & 4, 4th Cross Street,
United India Colony,
Kodambakkam,
Chennai 600 024.

... Petitioner

Vs.

S.Egavalli

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records connected with the impugned award passed by the learned I Additional Labour Court in O.P.No.201 of 2021 dated 18.11.2022 and quash the same.

For Petitioner : Mr.Marudhachalamoorthy
for Mr.M.Simon Jayakumar

For Respondent : Mr.A.Sundaravadhanan



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records connected with the impugned award passed by the learned I Additional Labour Court in O.P.No.201 of 2021 dated 18.11.2022 and quash the same.

2.The case of the petitioner is that the respondent joined the petitioner School as a cleaning staff during the year 2010. For the irregularity in work and for the lethargic attitude towards the Management, the respondent was terminated on 16.05.2007 and she rejoined her duty on 12.06.2010 after giving assurance that she will behave properly. However, again she started her mis-behaviour and hence the petitioner issued charge memo dated 04.01.2021 to the respondent and conducted enquiry. Since the Enquiry Officer drawn proven report as against the respondent, the petitioner Management terminated the service of the respondent by its order dated 12.02.2021.

3.The further case of the petitioner is that thereafter the respondent raised industrial dispute before the Assistant Labour



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Commissioner/ Conciliation Officer and since the conciliation failed, the respondent filed O.P.No.201 of 2021 under Section 2 A(2) of the Industrial Disputes Act before the I Additional Labour Court, Chennai, seeking to declare the termination order dated 12.02.2021 as null and void and to direct the petitioner to reinstate the respondent with backwages from the date of dismissal to the date of reinstatement. The Labour Court passed award dated 18.11.2022 directing the petitioner to reinstate the respondent in service with continuity of service, 50% backwages from the date of dismissal to the date of reinstatement. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner, on instructions, submitted that during the pendency of this writ petition, the matter was settled inbetween the parties and the petitioner Management is ready to pay a sum of Rs.4 Lakhs as full and final settlement to the respondent and the respondent agreed to receive the same as full and final settlement. The learned counsel further submitted that pursuant to the order of this Court dated 04.07.2023 made in W.M.P.No.18872 of 2023 in W.P.No.19615 of 2023, the petitioner has already deposited a sum of Rs.1 Lakh to the credit of



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O.P.No.201 of 2021 before the I Additional Labour Court, Chennai.

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5.The learned counsel appearing for the respondent did not dispute the submission made by the learned counsel appearing for the petitioner.

6.In view of the above, this Court is inclined to modify the award dated 18.11.2022 made in O.P.No.201 of 2021 by the I Additional Labour Court, Chennai, as follows:

(i)The petitioner Management is directed to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) as full and final settlement to the respondent, within a period of four weeks from the date of receipt of a copy of this order.

7.It is made clear that since a sum of Rs.1 Lakh has already been deposited by the petitioner before the Labour Court, the petitioner shall pay the balance amount of Rs.3 Lakhs by way of demand draft to the respondent, within a period of four weeks from the date of receipt of a copy of this order. The respondent is permitted to withdraw the amount of Rs.1 Lakh already deposited by



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the petitioner to the credit of O.P.No.201 of 2021 before the I
Additional Labour Court, Chennai.

8.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

27.09.2023

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

To

1.The I Additional Labour Court,
Chennai.



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M.DHANDAPANI,J.
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