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W.P.Nos.21116 of 2023 and 11784 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.21116 of 2023 and 11784 of 2022

And

W.M.P.No.11241 of 2022

G.Bagyalakshmi

... Petitioner in W.P.21116/2023

The Management of
POS – Hyundai Steel Manufacturing (I)
Private Limited

... Petitioner in W.P.11784/2022

Vs.

The Management of
POS – Hyundai Steel Manufacturing (I)
Private Limited

... Respondent in W.P.21116/2023

G.Bagyalakshmi
W.P.11784/2022

... Respondents in

Prayer in W.P.No.21116 of 2023:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in the impugned award dated 28.12.2021 in I.D.No.479 of 2018 passed by Labour Court at Kanchipuram and quash the same and consequently directing the respondent to pay the writ petitioner back wages and other attendant benefits up to 29.08.2019.



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Prayer in W.P.No.11784 of 2022:

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the Labour Court, Kancheepuram in I.D.No.479 of 2018 and quash its award dated 28.12.2021.

For Petitioner : Mr.K.Bharathi
in W.P.No.21116 of 2023
Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
in W.P.No.11784 of 2022

For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
in W.P.No.21116 of 2023
Mr.K.Bharathi
in W.P.No.11784 of 2022

COMMON ORDER

W.P.No.21116 of 2023 has been filed by the wife of the Workman seeking to quash the award dated 28.12.2021 in I.D.No.479 of 2018 passed by Labour Court at Kanchipuram and to direct the respondent to pay the writ petitioner back wages and other attendant benefits up to 29.08.2019.

2.W.P.No.11784 of 2022 has been filed by the Management seeking to quash the award dated 28.12.2021 in I.D.No.479 of 2018



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passed by Labour Court at Kanchipuram.

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3.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order. For brevity, the petitioner in W.P.No.21116 of 2023 would be hereinafter referred to as 'wife of Workman' and the petitioner in W.P.No.11784 of 2022 would be hereinafter referred to as 'Management'.

4.The facts of the case is that one Rajkumar who is the husband of the petitioner in W.P.No.21116 of 2023/ Workman joined the service of the respondent on 01.08.1998 as Operator and his last drawn salary was Rs.19,175/- per month. The Workman was issued with charge sheet on 09.11.2011 for unauthorised absence and after due enquiry, he was dismissed from service on 20.01.2012. Thereafter, the Workman raised industrial dispute in I.D.No.479 of 2018 before the Labour Court at Kanchipuram. During the pendency of the said industrial dispute, the Workman died and his wife was impleaded in the industrial dispute. Thereafter, the Labour Court passed award dated 28.12.2021 holding the dismissal order as correct and since the Workman died during the pendency of the



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industrial dispute, the Labour Court directed the Management to pay a sum of Rs.7,67,000/- as compensation to the wife of the Workman on compassionate basis. Hence, these writ petitions.

5.The learned counsel appearing for the wife of the Workman submitted that the Labour Court has awarded only minimum amount as compensation which is not sustainable one and prayed for enhancement of compensation.

6.The learned counsel appearing for the Management submitted that though the Labour Court has held that the dismissal order is correct, the Labour Court has awarded compensation in favour of the wife of the deceased Workman on compassionate grounds, which is not sustainable one.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.The facts in the present case is not in dispute. Admittedly, the Workman was issued with charge sheet on 09.11.2011 for unauthorised absence and after due enquiry, he was dismissed from



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service on 20.01.2012. Thereafter, the Workman raised industrial dispute in I.D.No.479 of 2018 before the Labour Court at Kanchipuram. The Labour Court passed award dated 28.12.2021 holding the dismissal order as correct and since the Workman died during the pendency of the industrial dispute, the Labour Court directed the Management to pay a sum of Rs.7,67,000/- as compensation to the wife of the Workman on compassionate basis.

9.In paragraph no.17 of the impugned award dated 28.12.2021, the Labour Court has relied upon the decisions of the Hon'ble Apex Court reported in (2017) 2 SCC 508 (Vashirambhai Dhanabhai Vegad Vs. State of Gujarat and Others) and (1986) 4 SCC 337 (OP Bhandari Vs. Indian Tourism Development Corporation Limited and Others) and has awarded a sum of Rs.7,67,000/- as compensation to the wife of the Workman on compassionate basis, which is justifiable and reasonable.

10.In view of the above, the impugned order does not warrant any interference. The Management is directed to pay a sum of Rs.7,67,000/- awarded by the Labour Court as compensation to the

M.DHANDAPANI,J.



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wife of the Workman on compassionate basis, within a period of four
weeks from the date of receipt of a copy of this order.

11. These writ petitions are dismissed with the above direction.
No costs. Consequently, the connected miscellaneous petition is
closed.

24.07.2023

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

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and 11784 of 2022
And
W.M.P.No.11241 of 2022**

24.07.2023