



W.A. Nos. 680 & 682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. Nos. 680 & 682 of 2022

C.M.P. Nos. 4716 & 4721, 4723 & 4724 of 2022

N. Saravanakumar

..Appellant in both
the writ appeals

Vs.

1. The Management
ELGI Equipments Ltd.,
rep. by Head-Legal & Secretarial
Mr.Shyam Vasudevan,
Coimbatore.

2. The Presiding Officer,
Labour Court, Coimbatore.

..Respondents in
both the writ
appeals



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Prayer: Writ Appeals as against the common order dated 25.01.2021 passed in W.P. No. 816 & 815 of 2017.

For Appellant :: Mr.V. Ajoy Khose

For Respondents :: Mr.S. Basheer Ahmed for R1

J U D G M E N T

(Delivered By S. Vaidyanathan,J.)

The writ appeals have been preferred as against the common order dated 25.01.2021 passed by the learned Single Judge in W.P. Nos. 816 & 815 of 2017 respectively, setting aside the preliminary award dated 01.06.2016 and the final award dated 09.09.2016 passed by the Labour Court, Coimbatore, in I.D. No. 51 of 2010 and remitting the matter back to the Labour Court for deciding the issue afresh in accordance with law.

2. When the matters are taken up for hearing, Mr.S. Ravindran, learned Senior Counsel appearing for the Management would submit that he is not going to address with regard to the issue of fairness of domestic enquiry as the Management had let in substantial evidence in order to prove the charges before the Labour Court. Learned Senior Counsel would further submit that the Labour Court has rendered a finding that the applicant in the



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industrial dispute is a workman and that issue is also not going to be addressed. Further, the learned Senior Counsel would state that as there are serious charges against the employee with regard to loss of funds to the establishment, he would confine his argument only with regard to the merits of the matter and not with regard to the two issues mentioned supra.

3. Mr.Ajoy Khose, learned counsel for the workman would contend that the Labour Court had looked into all the aspects and interfered with the punishment and granted reinstatement with 25% backwages. However, 14 years have gone by since the date of dismissal of the workman in May, 2009 and now, that the industrial dispute has been remanded to the Labour Court for consideration afresh and disposal, the Labour Court may be directed to decide the issue within a period of two months on the merits of the matter apart from directing the Management to pay last drawn wages till the industrial dispute is adjudicated finally. Mr.Ajoy Khose, learned counsel for the employee would further submit that the parties may be permitted to let in additional evidence, if required, for which Mr.S.Ravindran, learned Senior Counsel for the Management has no objection, if the parties are so advised.



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4. Though we agree with most of the submissions of both the counsel, we are not inclined to accede to the request of the learned counsel for workman that monthly wages should be paid till the disposal of the industrial dispute as the dismissal order stands restored and there cannot be any payment of monthly wages by means of a direction as the question of applicability of Section 17-B of Industrial Disputes Act, 1947 does not arise.

5. Therefore, taking note of the fact that the matter is pending for the past 14 years, while confirming the order of the learned Single Judge partially, in view of the fact that the employer has given up the issues that the 'employee is not a workman' and fairness of domestic enquiry, in case, any application is filed by either of the parties to let in additional evidence, the same may be permitted by the Labour Court and arguments on merits will have to be addressed by the parties and the Labour Court has to pronounce the award on conclusion of arguments. Arguments by either parties will have to be addressed and concluded within a period of two months from the date of receipt of a copy of this order and the Labour Court, Coimbatore, is expected to pronounce the award within a period of



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two months on completion of arguments. It is made clear that the wages paid under Section 17-B of the Industrial Disputes Act, 1947 shall not be recovered.

6. The writ appeals are disposed of accordingly. No costs.

Connected C.M.Ps are closed.

(S.V.N.J.) (K.R.S.J.)
14.06.2023

nv

To

1. The Management
ELGI Equipments Ltd.,
rep. by Head-Legal & Secretarial
Mr. Shyam Vasudevan,
Coimbatore.
2. The Presiding Officer,
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