



WP.Nos.26702, 26704 &
26705 of 2023

In the High Court of Judicature at Madras

Dated : 12.9.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition Nos.26702, 26704 & 26705 of 2023

P.V.Balaji

...Petitioner in
WP.No.26702 of
2023

P.Srinivasan

...Petitioner in
WP.No.26704 of
2023

K.Rajesh

...Petitioner in
WP.No.20705 of
2023

Vs

M/s.Phybusol Computer Solutions
Pvt. Ltd., rep.by its Authorized
Signatory, Chennai-2.

...Respondent in
all the WPs

Prayer: These petitions are filed under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for the records connected respectively in I.D.Nos.176, 175 & 177 of 2017 all dated 19.6.2023 passed by the learned Presiding Officer,



WP.Nos.26702, 26704 &
26705 of 2023

Third Additional Labour Court, Chennai dismissing the claim petitions in I.D. Nos.176, 175 & 177 of 2017, quash the same and also direct the respondent/management to reinstate the petitioners with back wages and all other attendant benefits.

For Petitioners : Mr.P.Venugopal
COMMON ORDER

These petitions are filed by the petitioners seeking to quash the awards dated 19.6.2023 in I.D.Nos.175, 176 and 177 of 2017 on the file of the Third Additional Labour Court, Chennai and to direct the respondent to reinstate the petitioners into service with back wages and all other attendant benefits.

2. In view of the limited nature of the order this Court proposes to pass, the writ petitions are taken up for joint disposal without ordering notice to the respondent.

3. The facts leading to filing of these cases are as follows :

(i) The petitioner in WP.No.26702 of 2023 joined in the respondent



WP.Nos.26702, 26704 &
26705 of 2023

on 10.7.2012 as Billing Executive. Subsequently, he was posted as Senior Billing Executive. He had been working under the respondent from 10.7.2012 to 13.10.2016. He was drawing the monthly salary of Rs.26,091/- . To his shock and surprise, he was terminated from the services of the respondent on 14.10.2016. The salary for the month of September 2016 was also not paid to him.

(ii) The petitioner in WP.No.26704 of 2023 joined in the respondent on 02.3.2015 as Senior Billing Executive. He had been working under the respondent from 02.3.2015 to 21.6.2016. He was drawing the monthly salary of Rs.22,300/-. To his shock and surprise, he was terminated from the services of the respondent on 21.6.2016.

(iii) The petitioner in WP.No.26705 of 2023 joined in the respondent on 02.7.2012 as Payment Posting Executive. Subsequently, he was posted as Billing Executive. He had been working under the respondent from 02.7.2012 to 21.6.2016. He was drawing the monthly salary of Rs.26,091/-. To his shock and surprise, he was terminated from the services of the respondent on 21.6.2016.



*WP.Nos.26702, 26704 &
26705 of 2023*

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(iv) Thereafter, the petitioners were constrained to initiate conciliation proceedings before Conciliation Officer-II, Kuralagam, Chennai and they ended in failure. Hence, the petitioners filed the respective industrial disputes before the Third Additional Labour Court, Chennai seeking to direct the respondent to reinstate the petitioners with back wages, continuity of service and all other attendant benefits. In those industrial disputes, the respondent filed their counters.

(v) After contest, ultimately, the Third Additional Labour Court, Chennai, by the impugned awards, dismissed the industrial disputes, however, directing the respondent to pay a sum of Rs.1 lakh towards compensation to each of the petitioners. Challenging the same, the petitioners are before this Court.

4. The learned counsel for the respective petitioners submit that though the petitioners in W.P.Nos.26702 and 26705 of 2023 rendered nearly four years of continuous service and the petitioner in W.P.No.26704 of 2023 rendered one and half years of continuous service, without



*WP.Nos.26702, 26704 &
26705 of 2023*

providing any opportunity or conducting any enquiry, the petitioners were terminated from service which is in violation of the principles of natural justice. However, without considering the said facts the Labour Court has directed the management to pay a lumpsum amount of Rs.1,00,000/- to each petitioners instead of reinstating them, which is per se unsustainable. Accordingly, he prayed to allow these writ petitions.

5. Heard the learned counsel for the petitioners and perused the materials placed on record.

6. Admittedly, the petitioners in W.P.Nos.26702 and 26705 of 2023 joined the services of the respondent management during the year 2012 and the petitioner in W.P.No.26704 of 2023 was engaged by the respondent management during the year 2015, subsequently they were terminated from services during the year 2016 on the ground that their performance was not up to the mark and also for the misconduct committed by them. As against the said termination, the petitioners have come up with these petitions. The



WP.Nos.26702, 26704 &
26705 of 2023

Labour Court has threadbare analysed the factual aspects, examined the documents marked by either side and then rendered factual findings and the same does not call for any interference as the reasoning given is cogent and legally tenable. Therefore, the challenge in the impugned proceedings by the petitioners / workmen has to necessarily fail. Hence, the respondent management is directed to pay the lumpsum compensation amount of Rs.1,00,000/- to each petitioners as per the impugned awards passed by the Presiding Officer, Third Additional Labour Court, Chennai dated 19.06.2023 in I.D.Nos.175 to 177 of 2017 within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above observation, these writ petitions are dismissed. No costs.

12.9.2023

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Index : Yes (or) No

Neutral Citation : Yes (or) No

Speaking Order : Yes (or) No



*WP.Nos.26702, 26704 &
26705 of 2023*

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



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*WP.Nos.26702, 26704 &
26705 of 2023*

M.DHANDAPANI,J

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WP.Nos.26702, 26704
& 26705 of 2023

12.9.2023