



WEB COPY



W.P.No.6987 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6987 of 2017

M.Sampath

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Coimbatore.

2. The Management,
Saroja Mills,
Singanallur, Coimbatore - 641 005.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the preliminary order dated 16.04.2013 and the final award dated 22.12.2015, passed by the first respondent in I.D.No.103 of 2003, quash the same and consequently, direct the second respondent to reinstate the petitioner with continuity of service, backwages and all other attendant benefits.

For Petitioner :
For Respondents :

Mr.A.Ajoy Khose
R1 - Court
Mr.S.Ravindran, Senior Counsel
for Mr.S.Bazeer Ahamed for R2



W.P.No.6987 of 2017

WEB COPY

ORDER

This Writ Petition has been filed to call for the records of the preliminary order dated 16.04.2013 and the final award dated 22.12.2015 passed by the first respondent in I.D.No.103 of 2003, quash the same and consequently, direct the second respondent / Management to reinstate the petitioner with continuity of service, backwages and all other attendant benefits.

2. The petitioner is an employee of the second respondent / Management was transferred from one unit to another unit. However, the petitioner in defiance to the transfer order did not join in the transferred place of work which was considered as disobedience and against the Standing Orders of the Management, he was terminated from service. Against the said termination, the petitioner has filed an Industrial Dispute in I.D.No.103 of 2003 before the Labour Court to set aside the punishment and direct the second respondent / Management to reinstate the petitioner with continuity of service, backwages and other attendant benefits.



W.P.No.6987 of 2017

WEB COPY

3. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that during the pendency of the Writ Petition, the petitioner was employed in alternate job and subsequently superannuated. However, the terminal benefits due to the petitioner for the period of his employment in the second respondent / Management is yet to be settled. The petitioner would be satisfied, if the same is settled by the second respondent / Management.

4. The learned Senior Counsel appearing for the second respondent / Management submitted that the second respondent / Management is ready and willing to pay the terminal benefits for the period of his employment with the Management at the earliest possible time.

5. I have considered the said submissions mad by the learned counsel appearing for the parties and have perused the materials placed before this Court.



W.P.No.6987 of 2017

WEB COPY

6. In view of the fact that the petitioner was gainfully employed elsewhere after the dismissal and had subsequently superannuated, the impugned award need not be interfered with. However, the second respondent / Management is directed to pay the terminal benefits due to the petitioner for the period of his employment with the second respondent / Management within a period of four weeks from the date of receipt of a copy of this order with 6% interest from the date of dismissal till the date of award.

7. Accordingly, this Writ Petition is disposed of. No costs.

26.07.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



W.P.No.6987 of 2017

WEB COPY

To

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WEB COPY



W.P.No.6987 of 2017

M.DHANDAPANI, J.

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W.P.No.6987 of 2017

26.07.2023