



WP.No.9979 of 2017

In the High Court of Judicature at Madras

Dated : 21.7.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.9979 of 2017

N.S.Saravanan

...Petitioner

Vs

1.The Presiding Officer,
I Additional Labour Court,
Chennai-104.

2.The Management, Trident
Textiles Mills Limited,
Mamandur Village, Thirutani
Taluk, Thiruvallur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent Labour Court in I.D.No.70 of 2001 dated 13.5.2016, quash the same and direct the second respondent to reinstate the petitioner in service with continuity of service, backwages and all other attendant benefits.



WP.No.9979 of 2017

For Petitioner : Mr.P.Chandrasekar
For Respondent-2 : No appearance

ORDER

This is a petition filed by the petitioner seeking to quash the award dated 13.5.2016 in I.D.No.70 of 2001 on the file of the first respondent and consequently direct the second respondent to reinstate the petitioner into service with continuity of service, backwages and other attendant benefits.

2. The facts leading to filing of this case are stated as follows :

(i) The petitioner joined the services of the second respondent on 23.9.1993. The second respondent had not followed any labour welfare legislations. For joining as a member in the workers union, the petitioner was issued a charge memo for a wordy quarrel with a co-worker on 29.8.1997. The petitioner denied the charges and gave his explanation in detail on 22.9.1997. As the second respondent was not convinced with the explanation offered, domestic enquiry was initiated. The complainant himself gave a letter dated 09.9.1997 stating that the charges framed against the petitioner were created. The domestic enquiry was not conducted in a fair manner. Ultimately, after the second show cause notice dated



WP.No.9979 of 2017

WEB COPY

02.12.1997 was issued, to which, the petitioner also submitted his reply, the petitioner was dismissed from service on 12.12.1997. Further, in the last week of January 2017, the complainant met the petitioner stating that the charge memo was created and that the second respondent only compelled him to give a false complaint.

(ii) Challenging the order of dismissal dated 12.12.1997, the petitioner raised the industrial dispute before the first respondent. After contest, considering the fact that the petitioner was employed with the second respondent only for a period of eight months and that the factory remained closed for a long time, the impugned award was passed holding that the termination of the services of the petitioner was set aside and that the second respondent was directed to pay a sum of Rs.50,000/- towards compensation to the petitioner in lieu of reinstatement and other benefits. Aggrieved by that, the petitioner is before this Court.

3. The learned counsel for the petitioner submits that there is no dispute with regard to employer-employee relationship. Though the said facts were clearly established before the Labour Court, the Labour Court



WP.No.9979 of 2017

instead of awarding back wages, has fixed minimum compensation to the tune of Rs.50,000/- which is per se unsustainable.

4. Though the second respondent entered appearance through counsel on the earlier occasion, when the case was called, none appeared for the second respondent nor any representative of the second respondent was present before this Court.

5. Admittedly, the petitioner joined in the service of the second respondent management as winding section operator and during his employment, it is alleged that due to the grave misconduct committed by the petitioner for the act of threatening the co-worker namely Vinayagam, charges were levelled against the petitioner and it appears that the co-worker, said Vinayagam gave a complaint to the management, who was examined as a witness during the domestic enquiry. It is also clear from the Award passed by the Labour Court, that the petitioner walked out during the course of the enquiry and also that he has not come forward to cross examine the witness examined by the management. Based on the statement



WP.No.9979 of 2017

WEB COPY

given by the said Vinayagam, the enquiry officer has come to a conclusion that the petitioner could have committed the said Act. All those facts were clearly established by the Labour Court and the statement of said Vinayagam was marked as Exs.W6 and W7. Upon considering the oral and documentary evidences, the Labour Court has passed the Award directing the second respondent management to pay a sum of Rs.50,000/- as compensation to the petitioner in lieu of reinstatement and other benefits which cannot be interfered with.

6. With the above observation, this writ petition is dismissed. No costs.

21.7.2023

Index : Yes (or) No
Neutral Citation : Yes (or) No
Speaking Order : Yes (or) No
rap

To
The Presiding Officer,
I Additional Labour Court,
Chennai-104.



WEB COPY



WP.No.9979 of 2017

M.DHANDAPANI,J

rap

WP.No.9979 of 2017

21.7.2023