



W.P.No.32007 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32007 of 2017

And

W.M.P.No.35163 of 2017

M/s.Lotus Footwear Enterprises (P) Limited
Rep. by its General Manager.

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
Vellore.

2.D.Sujatha

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records connected with I.D.No.67 of 2016 on the file of first respondent, Principal Labour Court, Vellore and to quash the award dated 28.08.2017.

For Petitioner : Mr.M.Kandasamy
For Respondents : R1 – Labour Court
R2 – Not Ready Notice



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records connected with I.D.No.67 of 2016 on the file of the Principal Labour Court, Vellore and to quash the award dated 28.08.2017.

2.The case of the petitioner is that the second respondent was working as Supervisor in the SOTAP B3 department of the petitioner company and she on her own volition resigned from service on 27.05.2015. The petitioner accepted her resignation and relieved her from service on the same day and on her request also settled her terminal benefits. While so on 28.05.2015, the second respondent lodged a complaint before the Dusi Police Station that she was forced to give resignation letter on 27.05.2015.

3.The further case of the petitioner is that thereafter the second respondent raised dispute before the Labour Officer, Vellore and since conciliation failed, the second respondent raised industrial dispute in I.D.No.67 of 2016 before the Principal Labour Court, Vellore and the Labour Court passed award dated 28.08.2017 directing the petitioner to pay a sum of Rs.2 Lakhs as compensation to the second



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respondent. Challenging the same, the petitioner has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that the second respondent was working as Supervisor in the SOTAP B3 department of the petitioner company and she on her own volition resigned from service on 27.05.2015. The petitioner accepted her resignation and relieved her from service on the same day and on her request also settled her terminal benefits. After receiving the entire terminal benefits, the second respondent raised industrial dispute before the first respondent and the first respondent, without considering the factual aspects, passed award dated 28.08.2017 directing the petitioner to pay a sum of Rs.2 Lakhs as compensation to the second respondent, which is not sustainable one.

5.Though the writ petition has been filed in the year 2017, the petitioner has not taken any effective steps to serve notice on the second respondent. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.



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6. Admittedly, the second respondent was working as Supervisor in the SOTAP B3 department of the petitioner company. The petitioner claim that the second respondent on her own volition resigned from service on 27.05.2015 and her resignation was accepted by the petitioner and she was relieved from service on the same day and terminal benefits were also settled in her favour. It is equally undisputed fact that on 28.05.2015, the second respondent lodged a complaint before the Dusi Police Station that she was forced to give resignation letter on 27.05.2015.

7. Though the petitioner claim that the second respondent on her own volition resigned from service on 27.05.2015 and her resignation was accepted by the petitioner on the same day, the second respondent has marked Ex.W2 before the Labour Court to substantiate that on 27.05.2015 itself she has sent letter to the petitioner withdrawing her resignation, however, the petitioner has not reacted either the petitioner is accepting her withdrawal letter or refusing it.

8. Further, Ex.M11 marked by the petitioner Management before the Labour Court to establish that full and final settlement has been made to the second respondent shows that the amount has been



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credited to the second respondent's account on 10.06.2015. Hence, considering all the factual aspects, the Labour court has fairly arrived at a conclusion to award compensation to the second respondent and has passed award directing the petitioner to pay a sum of Rs.2 Lakhs as compensation to the second respondent, which needs no interference.

9.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

31.08.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Presiding Officer,
Principal Labour Court,
Vellore.



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M.DHANDAPANI,J.
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