



WEB COPY



W.A. No. 2961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A.No. 2961 of 2023

&

C.M.P. No. 24525 of 2023

M/s. Karnataka Commercial & Industrial
Corporation Pvt. Ltd.,

rep. by its Authorized Signatory

M.S. Palanivel,

Having Office at 8/54-D, 1st Floor, AG Block,
Shanthi Colony, Chennai – 600 040.

..Appellant

Vs.

Bharathidhasan

..Respondent

Prayer: Writ Appeal as against the order dated 24.07.2023 in W.P. No.
21760 of 2023.

For Appellant :: Mr.B. Manoharan



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J U D G M E N T

(Delivered by S. Vaidyanathan,J.)

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The writ appeal is directed against the order dated 24.07.2023 in W.P. No. 21760 of 2023.

2. The respondent/workman was engaged as a contract employee under the appellant. The respondent worked under the appellant Management for a period of 3 ½ years, initially as a “Ticket Operator” for the first 1 ½ years and thereafter as “Station Service Manager” for the next 2 years. The respondent was temporarily stopped from duty due to corona lockdown and after withdrawal of corona lockdown restrictions, the respondent was informed that he was orally terminated from service. Challenging the termination, the respondent filed a petition under Section 2A(2) of the Industrial Disputes Act before the Assistant Commissioner of Labour -2, Chennai, to set aside the order of termination as illegal and direct the Management to reinstate him in service with continuity of service, backwages and all other attendant benefits. The Labour Court, after careful consideration of the materials on record, by award dated 28.06.2023



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allowed the industrial dispute holding that the termination is illegal and that the respondent/workman is entitled to the relief of reinstatement with continuity of service and backwages. Aggrieved by the said award, the Management approached this Court by way of W.P. No. 21760 of 2023 and by order dated 10.07.2023, the learned Single Judge, based on the consent view expressed by the learned counsel appearing on both sides, modified the award passed by the Labour Court and directed the Management to reinstate the respondent in any of their offices in Chennai, while holding that the respondent/workman would not be entitled to backwages from the date of dismissal till the date of reinstatement, but would be entitled to continuity of service and all other benefits. Aggrieved by the direction given by the learned Single Judge to reinstate the respondent/workman in Chennai alone, the present appeal has been preferred by the Management.

3. When the writ appeal is taken up for hearing, learned counsel for the appellant would submit that though the employer was willing to provide employment in case, the employee gave up backwages, at no point of time, concession was made that employment would be provided in Chennai.



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4. From a perusal of the order under challenge, it appears that such a concession was made. Whether such a concession was actually made or not cannot gone into in this appeal. If the appellant has got any grievance over the recording of submissions made by the learned Single Judge, it is open to the appellant to file a review application. Without expressing any opinion on the merits of the case, the writ appeal stands dismissed. No costs. Connected C.M.P. is closed.

nv

(S.V.N.J.) (K.R.S.J.)
30.10.2023

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