



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.3647 of 2017

R.Rajesh

... Petitioner

Vs.

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

2. The Management of Lotus Footwear
Enterprises Ltd.,
3-B, Sipcot Industries Ltd.,
Mangal Village, Mathur Post,
Cheyyur-631 701.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified calling for the records of the first respondent in connection with the award pronounced in ID.No.31 of 2015 dated 17.03.2016 and quash the same and direct the second respondent management to reinstate the petitioner in service with full back wages, continuity of service with all other attendant benefits.

For Petitioner : Mr.T.Ramkumar

For Respondents : R1- Court
Mr.M.Kandasamy, R2



WEB COPY

ORDER

The petition has been filed seeking to quash the order of the first respondent in connection with the award pronounced in I.D.No.31 of 2015 dated 17.03.2016 and direct the second respondent management to reinstate the petitioner in service with full back wages, continuity of service with all other attendant benefits.

2. It is the case of the petitioner that he is a workman, employed by the second respondent management. The petitioner joined the service of the second respondent on 23.05.2009 and employed continuously till the date of his dismissal on 17.04.2014. The petitioner was a committee member of the union viz., United Labour Union and raised voice for grievance of the workmen and against the various unfair labour practices committed by the second respondent. On 21.03.2014, due to wordy quarrel between the petitioner and the co-workers, the second respondent Management issued suspension order dated 21.03.2014. Thereafter, the respondent Management issued a charge memo dated 19.04.2014 with false allegations, for which, the petitioner submitted his explanation on 24.04.2014. Thereafter, enquiry was conducted and the second respondent Management dismissed him from the service on 17.10.2014. Against the said order, the petitioner has raised an Industrial



dispute before the first respondent in ID No.31 of 2015. The Labour Court has dismissed the petitioners petition on 17.03.2016. Aggrieved by the same, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that admittedly the petitioner was a permanent employee of the second respondent. Due to between the petitioner and the co-worker, a dispute has been arose. In the course of the enquiry, the petitioner had requested the enquiry officer, to direct the Management to produce the video graph taken by the Management. However, the Enquiry Officer has not considered his request. However, the first respondent, without excersing its power under Section 11A of the I.D. Act, has given erroneous findings which are liable to be interfered with by this Court.

4. The learned counsel for the second respondent submitted that the second respondent is a company registered under the provisions of the Companies Act 1956 and is engaged in manufacture of Foorware, having their facory situated at Cheyyar Taluk. About 7000 workmen are employed in the factory. Admittedly, the petitioner entered into service in the year 2009. On



<https://www.mhc.tn.gov.in/judis>



termination order dated 17.10.2014 terminating the services of the petitioner.

Such facts have elaborately discussed by the Labour Court and the Labour Court, after conducting elaborate enquiry, has rightly dismissed the ID which was filed by the petitioner, which does not warrants any interference.

5. Heard the learned counsel for the petitioner and the learned Counsel for the second respondent and perused the materials available on record.

6. From the facts of the case there can be no doubt that the order was in the nature of punishment and the Labour Court was correct in coming to the conclusion that the termination order issued by the Management dated 17.10.2014 and thereby, terminating the petitioner from the employment is well within the order. The Labour Court has rightly passed an order by adducing evidence and examining the witnesses and the Labour Court on its own appraisal of that evidence could arrive at a conclusion that the order of the company was justified. The Labour Court was agreed that on the facts and circumstances of the case the company was justified in making the order and therefore declined to order reinstatement. Though the order was punitive in nature and the enquiry held was in proper and the company had terminated the



services of the petitioner that termination was held to be justified. To that extent the order passed by the Labour Court is confirmed and accordingly, the writ petition is dismissed. No order as to costs.

20.07.2023

rli

Index : Yes / No
Speaking order / Non speaking order
Netruai Citation Case : Yes / No

To
The Presiding Officer,
Principal Labour Court,
Vellore.



WEB COPY



M.DHANDAPANI, J.

rli

W.P.No.3647 of 2017

25.07.2023