



WP.Nos.16568 of 2017 & 20246 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.16568 of 2017 & 20246 of 2018

and

W.M.P.No.17935 of 2017

The Management of Express
Publications (Madurai) Ltd.,
Chennai-58.

... Petitioner in W.P.No.16568 of 2017

Vs

1.The Presiding Officer,
First Additional Labour Court,
Chennai.

... R1 in WP.No.16568 of 2017

2.Rose Barnabas

... R2 in W.P.No.16568 of 2017
& Petitioner in W.P.No.20246 of 2018

3.The Management of Express
Publications (Madurai) Ltd.,
Anna Salai, Chennai-2.

... Sole Respt. in WP.No.20246 of 2018

Prayer in both WPs: Writ Petitions filed under Article 226 of the
Constitution of India praying for the issuance of



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(i) a Writ of Certiorari, to quash the award dated 21.9.2016 in I.D.No.453 of 2005 on the file of the First Additional Labour Court, Chennai (WP.No.16568 of 2017); and

(ii) a Writ of Certiorarified Mandamus, to call for the records pertaining to the passing of the order dated 21.9.2016 in I.D.No.453 of 2005 on the file of the First Additional Labour Court, Chennai, quash the same and consequently direct the respondent to reinstate the petitioner in service with all consequential benefits till the date of her superannuation and thereafter settle all the superannuation benefits (WP.No.20246 of 2018).

For Management : Mr.S.Vijayaraghavan

For Workman : Mr.G.Justin

COMMON ORDER

These writ petitions are filed by both the management and the employee seeking to quash the award dated 21.09.2016 in I.D.No.453 of 2005 on the file of the First Additional Labour Court, Chennai. The employee sought a further direction to the management to reinstate him into service with all consequential benefits till date of superannuation and thereafter to settle all the superannuation benefits.



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2. The workman was employed by the management as a telephone operator on 10.03.1982. Subsequently, in the year 1988, she was appointed as a Junior clerk and thereafter, she was promoted as Senior Clerk in the year 1994. During the year 1995, the management and employees were negotiating to settle the bonus for the year 1994 – 1995 and Deepavali advance. When the management was in the process of finalising these payments, the employees started adopting 'go slow' tactic which resulted in the newspaper dated 23.09.1995 coming out four hours late and practically it became a waste paper. On 15.11.1995, a charge memo came to be issued against the workman. According to the management, the workman did not appear for several hearings during the enquiry proceedings. Ultimately, the management issued the order of discharge dated 07.04.1999. Subsequently, the management filed a petition for approval of the discharge order dated 07.04.1999 before the Principal Labour Court, Chennai and it was also allowed by order dated 05.05.2004. Thereafter, the workman filed the industrial dispute before I Additional Labour Court, Chennai seeking to set



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aside the discharge order dated 07.04.1999 and to direct the management to reinstate the workman with continuity of service and all attendant benefits. In that, the management filed a counter. Ultimately, the I Additional Labour Court, Chennai, by the impugned award, set aside the discharge order dated 07.04.1999 and directed the management to pay the workman a sum of Rs.5 lakhs towards compensation. Challenging the same, the management and the workman are before this Court. The workman sought a further direction to direct the management to reinstate her into service with all consequential benefits till the date of her superannuation and thereafter to settle all the benefits of superannuation.

3. The learned counsel appearing for the management as well as the workman, on instructions, fairly submitted that they did not want to agitate the issue further and they want to give full quietus to the issue. The learned counsel appearing for the respondent submitted that, it would suffice, if this Court issues a direction to the management to disburse the award amount of Rs.5 lakhs to the workman as awarded by the Labour Court in full quit



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within a reasonable time that may be fixed by this Court. In response, the learned counsel appearing for the management submitted that the management will disburse the award amount to the workman by way of demand draft within a period of four weeks from the date of receipt of a copy of this order.

4. In view of the above settlement arrived between the parties, this Court directs the management to pay a sum of Rs.5,00,000/- as compensation as awarded by the Labour Court to the workman in full quit by way of demand draft within a period of four (4) weeks from the date of receipt of a copy of this order.

5. With the above direction, both the writ petitions are dismissed. No costs. Consecutively, the connected miscellaneous petition is closed.

21.09.2023

Index : Yes (or) No

Neutral Citation : Yes (or) No



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Speaking Order / Non-speaking order
sp

M.DHANDAPANI,J.,

sp

To

The Presiding Officer,
First Additional Labour Court,
Chennai.

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