



W.P.No.16496 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.16496 of 2004

P.Moorthy

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
High Court Compound,
Chennai – 600 104.

2.The Management of Prasad Film Laboratories,
22, Arunachalam Road, Saligramam,
Chennai – 600 093.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records and papers from the first respondent in I.D.No.251 of 1995 and quash the impugned award dated 16.02.2004 insofar as the first respondent has negatived the claim of the petitioner for reinstatement in service, with back wages, with continuity of service and with all other attendant benefits and to award costs of this Writ



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Petition.

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For Petitioner : Mr.S.Kumaraswamy

For Respondent 1 : Court

For Respondent 2 : Mr.John Zachariah
for Mandal & Associates

ORDER

The relief sought by the petitioner in this writ petition is to call for the records and papers from the first respondent in I.D.No.251 of 1995 and quash the impugned award dated 16.02.2004 insofar as the first respondent has negatived the claim of the petitioner for reinstatement in service, with back wages, with continuity of service and with all other attendant benefits and to award costs of this Writ Petition.

2. The case of the petitioner is that the petitioner was worked as a Machine Operator in the second respondent/Laboratory. On 04.10.1990, the petitioner has quarreled with the Assistant Supervisor by using abusive language. Hence, the petitioner was conferred with a charge memo, which



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resulted in the punishment of dismissal from service. Aggrieved over the same, the petitioner has raised an Industrial Dispute in I.D.No.251 of 1995 before the first respondent/Labour Court. The Labour Court by its award dated 21.01.1998 confirmed the dismissal of the petitioner from service. Challenging the said award, the petitioner has filed a Writ Petition before this Court in W.P.No.2010 of 1998 and the same was allowed on 20.10.2003 by remitting the matter back to the first respondent/Labour Court. After the remand, the first respondent/Labour Court passed an award dated 16.02.2004, once again holding that the dismissal of the petitioner from service is justified and not entitled to any relief. The said award dated 16.02.2004 is impugned in this writ petition.

3. When the matter was taken up for hearing, learned counsel for the petitioner submitted that the petitioner is a senior citizen aged about 68 years and the second respondent/Laboratory has also been closed few years ago. Hence, he prayed to this Court that the relief may be given to the petitioner by way of compensation, that may be ordered by this Court.



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4. The learned counsel for the second respondent did not dispute the above facts submitted by the learned counsel for the petitioner.

5. Heard the learned counsel on either and perused the materials available on record.

6. In view of the submission made by the learned counsel on either side and considering the fact that the petitioner is a senior citizen aged about 68 years and the fact that the second respondent/Laboratory has also been closed, this Court is of a considered view that awarding of some compensation to the petitioner/workman will be appropriate to meet the ends of justice. Hence, this Court directs the second respondent to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) towards compensation in full quit to the petitioner, within a period of four weeks from the date of receipt of a copy of this Order.

7. This writ petition is disposed of with the aforesaid direction. No



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costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

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