



W.P.No.33664 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.33664 of 2019

K.Munusamy

... Petitioner

Vs.

The Management of Munipachiayyappan
Textiles Ltd., Iypedu Village,
Sholingur, Vellore District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Orders, dated 16.01.2012 made in I.D.No.168 of 2007 on the file of the Principal Labour Court, Vellore, quash the same and direct the respondent Management to reinstate the petitioner into service with full back wages, continuity of service and also with all other attendant benefits.

For Petitioner : Ms.S.L.Jebitha for
Mr.Sudalai Kannu

For Respondents : No appearance



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ORDER

The Writ Petitioner viz., K.Munusamy joined the service of the respondent Management during May 1993 as a 'Sweeper' on daily wages. Subsequently he was engaged as a Spinning Sider. On 21.08.2004, he submitted a resignation letter to the respondent / Management and he was relieved from service. Thereafter, the writ petitioner raised an Industrial Dispute under Section 2A(2) of the Industrial Disputes Act, 1947, before the Presiding Officer, Principal Labour Court, Vellore contending that his resignation letter was obtained under threat and coercion by the respondent / Management. The respondent/Management filed a detailed counter affidavit in which it is interalia stated that the Writ Petitioner voluntarily submitted his resignation and that there is no threat or coercion as alleged by the Writ Petitioner. The Presiding Officer, Principal Labour Court, Vellore vide his Orders dated 16.01.2012 dismissed the petition in I.D.No.168 of 2007 on the ground that the petitioner had not proved that his resignation letter was obtained under threat and coercion.



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2. Ms.S.L.Jebitha, learned counsel for the Writ Petitioner contended that the resignation letter was not voluntarily given by the employee and that the Joint Manager and other officials of the respondent Management threatened the petitioner to sign on the resignation letter. According to her, when the resignation letter is not a voluntary one, the same is non-est in the eye of law.

3. It is settled law that the consent in submitting a resignation letter must follow not only by signing on the resignation letter, but also further carried out in delivering the resignation letter to the Competent Authority. The workman may change his mind subsequent to the submission of the resignation letter and withdraw the same. In the instant case, there is absolutely no record to hold that the workman wanted to withdraw the resignation though it is alleged that the General Manager and other officials threatened him to sign on the resignation letter. He had not given any complaint against them. No notice was issued to them in this regard. Taking all these aspects into consideration,



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the Principal Labour Court, Vellore had come to the conclusion that the resignation submitted by the Writ Petitioner is voluntary and there is no element of threat or coercion. The Writ Petitioner employee received all his benefits on 21.08.2004 and thereafter he had raised the Industrial Dispute in the year 2007.

4. In the circumstances, I do not see any reason to interfere with the orders passed by the Labour Court, Vellore. The Writ Petition is dismissed accordingly. No costs.

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Index: Yes/No
Speaking/Non-Speaking order
vum

To

The Principal Labour Court, Vellore,



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R. HEMALATHA, J.

vum

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