



W.P.No.26463 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26463 of 2018

And

W.M.P.Nos.30788 of 2018 and 9649 of 2019

HVAC Weather Station Private Limited
Represented by its Director
Mr.Jenson M.Peters

... Petitioner

Vs.

1.Principal Labour Court,
Chennai,
High Court Buildings,
Chennai.

2.R.Suresh

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus quashing the impugned order dated 11.07.2018 passed by the first respondent in I.D.No.18 of 2017.

For Petitioner : Mr.N.Surya Senthil
for M/s.Surana and Surana

For Respondents : R1 – Labour Court
M/s.K.Bharathi for R2



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus quashing the impugned order dated 11.07.2018 passed by the first respondent in I.D.No.18 of 2017.

2.The learned counsel appearing for the petitioner submitted that the second respondent joined the service of the petitioner on 10.10.2010 and absented from duty from 03.06.2016 onwards, however, suppressing his un-authorised absence, the second respondent raised industrial dispute in I.D.No.18 of 2017 before the first respondent and the first respondent passed award dated 11.07.2018 directing the petitioner to reinstate the second respondent with continuity of service, backwages and all other attendant benefits. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner further submitted that the petitioner never terminated the second respondent from service, however, the second respondent presumed as though he was orally terminated from service and raised industrial dispute. The learned counsel further submitted that during the pendency of this writ petition, the second respondent was reinstated in service during the



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year 2019 and subsequently, he resigned the job. However, in order to give quietus to the issue, now the petitioner Management is ready to pay 35% backwages from the date of termination till the date of reinstatement as full and final settlement to the second respondent.

4.The learned counsel appearing for the second respondent, on instructions, submitted that the second respondent has agreed to receive 35% backwages from the date of termination till the date of reinstatement as full and final settlement.

5.In view of the consent view expressed by the learned counsel appearing for the petitioner and the learned counsel appearing for the the second respondent, this Court is inclined to modify the award dated 11.07.2018 in I.D.No.18 of 2017 as follows:

(i)The petitioner Management is directed to pay 35% backwages from the date of termination till the date of reinstatement, as full and final settlement to the second respondent, within a period of four weeks from the date of receipt of a copy of this order.



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M.DHANDAPANI,J.

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6.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Principal Labour Court,
High Court Buildings,
Chennai.

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And

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