



WEB COPY



W.P. No. 27984 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 27984 of 2018

M.Shanthi

... Petitioner

-VS-

The Management
M/s.Krishnaveni Carbon Products (P) Ltd.,
63/3, Athipalayam Road,
Chinnavedampatti,
Coimbatore-6.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records with respect to the entire proceedings in ID.No.625/2008 on the file of the Labour Court, Coimbatore and quash the preliminary award dated 09.10.2017 and the consequential final award dated 22.12.2017 and consequently, direct the respondent to provide reinstatement to the petitioner with continuity of service and full back wages and all other attendant benefits from the date of dismissal i.e. 12.12.2007 to till date of reinstatement.

For Petitioner : Mr.S.Mukund, Sr.Counsel
For M/s.V.Sivakumar

For Respondent : Mr.S.Ravindran, Sr.C.
For M/s.S.Bazeer Ahamed



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ORDER

The Writ Petition has been filed against the proceedings in ID.No.625/2008 on the file of the Labour Court, Coimbatore, dated 09.10.2017 and consequently, direct the respondent to provide reinstatement to the petitioner with continuity of service and full back wages and all other attendant benefits from the date of dismissal i.e. 12.12.2007 to till date of reinstatement.

2. The case of the petitioner is that the petitioner is a permanent employer of the respondent. He had joined duty on 24.01.2001 and he had discharged her duties on 24.01.2001. The respondent is not in the habit of retaining any office staff in service for more than 5 years. The management framed various charges against the petitioner on various dates and the petitioner has received the second charge sheet on 07.04.2007 and submitted her explanation on 10.04.2007 and the same was not at all considered by the respondent Management. Thereafter, a domestic enquiry was conducted and the EO conducted enquiry and filed his report on 06.09.2007 stating that the charges were proved. On 10.07.2007, the respondent issued second show cause notice, for which, the petitioner gave her explanation on 13.10.2007. Without considering the explanation, the petitioner was dismissed from service on 12.12.2007. Therefore, the petitioner has raised an industrial dispute in ID. No.625 of 2008 before the Labour Court. The



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refused to receive the said award amount. Hence, there is no perversity in the order passed by the Labour Court.

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

6. The facts of the case are not in dispute. Admittedly, the petitioner joined duty with the respondent in the year 2001 and dismissed from service in the year 2007. Considering the fact that the petitioner has secured six years service. Without considering the service of the petitioner, the Labour Court has directed the respondent to pay a sum of Rs.1,50,000/- which is very meager.

7. In such view of the matter, this Court directs the respondent to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

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Index: Yes/No

NCS : Yes/No

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To

The Labour Court, Coimbatore



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M.DHANDAPANI, J.

Rli

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