



W.P.No.27939 of 2018

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

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

W.P.No.27939 of 2018

R.Anburaj

... Petitioner

Vs.

1.The Management,
M/s.Salzer Electronics Limited,
Unit -2, Chinnamadhampalayam,
Coimbatore – 641 019.

2.The Presiding Officer,
Labour Court, Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records with respect to the entire proceedings in I.D.No.1/2011 on the file of the second respondent and quash the Preliminary Award dated 06.01.2018 and the Final Award dated 23.02.2018 and consequently, direct the first respondent to reinstate the petitioner into service with continuity of service and full backwages and all other attendant benefits from the date of dismissal i.e. 03.03.2010 till the date of reinstatement.



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For Petitioner : Mr.V.Sivakumar
For R1 : Mr.S.Ravindran, Sr. Counsel
for Mr.S.Bazeer Ahamed

ORDER

The writ petitioner was working as a Press Operator for the first respondent since 09.09.1997. He had worked continuously for a period of 13 years and his last drawn pay was Rs.6,665/-. On 25.12.2008, the petitioner was served with a show cause notice for an alleged misconduct of abusing his co-worker in filthy language and also attempting to assault him. A domestic enquiry was conducted and the Enquiry Officer in his findings held that the charges were proved. Subsequently, he was dismissed from service with effect from 03.03.2010.

2. Thereafter, the matter was referred to Conciliation. Since conciliation failed, the workman raised an Industrial Dispute under Section 2-A(2) of the Industrial Disputes Act in I.D.No.1/2011 before the Presiding Officer, Labour Court, Coimbatore. In the Preliminary Order,

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the Labour Court had held that the Enquiry Officer had conducted the domestic enquiry in a fair and reasonable manner. Subsequently, a final order dated 23.02.2018 was passed with an observation that the order of dismissal is disproportionate to the charges framed against the workman. Therefore, the Management was directed to pay a lump sum compensation of Rs.75,000/- to the writ petitioner. No order of reinstatement was granted to the workman. Aggrieved over the Award passed by the Labour Court the workman has filed the present writ petition.

3.It is seen from the records that the petitioner had put in 13 years of unblemished service. However, he was charged for abusing his co-worker in filthy language and also for attempting to assault him. The Labour Court had rightly held that the dismissal order passed by the Management is disproportionate to the charges framed against him. Though the charges were proved he should not have been dismissed from service.



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4. Mr.V.Sivakumar, learned counsel for the writ petitioner would contend that the compensation amount alone be enhanced since the writ petitioner is not interested to getting reinstated into service.

5. In the instant case, a sum of Rs.75,000/- was awarded by the Labour Court as compensation and it seems to be very low according to the petitioner especially when the workman was drawing basic salary of Rs.6,665/- even during the year 2010. The respondent Company has agreed to pay Rs.1,50,000/- instead of Rs.75,000/- agreed earlier.

6. In the circumstances, awarding compensation of Rs.1,50,000/- in lieu of reinstatement and backwages to the writ petitioner would be appropriate. The said amount shall be paid without interest within a period of two weeks from the date of receipt of a copy of this order.



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With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To
1.The Management,
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Coimbatore – 641 019.

2.The Presiding Officer,
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R. HEMALATHA, J.
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