



W.P.(MD)No.11764 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11764 of 2020
W.M.P(MD).No.10205 of 2020

The Chairman and Managing Director,
(S.Mohammad Ismail Umar-aged 67)
Hajee Moosa Fabrics Private Limited,
15-20, East Chitrai Street,
Madurai-1.

... Petitioner

Vs.

D.Rathina Pandi

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the Labour Court, Madurai in I.D.No.24 of 2016 and quash the award dated 26.02.2020 passed therein.

For Petitioner

: Mr.T.Ravichandran

For Respondent

: Mr.Ponsenthil Kumar



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ORDER

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This writ petition has been filed to call for the records pertaining to the award passed by the Labour Court, Madurai in I.D.No.24 of 2016 on 26.02.2020 and quash the same.

2. The case of the petitioner is that the petitioner is running a Fabrics show room. The respondent was working as Salesman and he was relieved from the job on 20.04.2014. Thereafter, again he was engaged to work by the petitioner after attaining superannuation and getting pension from the Provident Fund Organization. While so, on 17.07.2015, he was found in sleeping during the duty time and the same was enquired by the petitioner. Thereafter, the respondent was absent from duty without any intimation and he has raised an Industrial Dispute in I.D.No.24 of 2016 before the Labour Court, Madurai. On 26.02.2020, the Labour Court has awarded a lump sum compensation of Rs.50,000/- (Rupees Fifty Thousand only) payable by the petitioner to the respondent in lieu of reinstatement with continuity in service and other attendant benefits. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that the Labour Court has framed the issues as to whether the petitioner is a workman and he completed 23 years of service in the respondent concern? and whether the petitioner is entitled to the reliefs of reinstatement with continuity of service, backwages and other attendant benefits? Both the issues framed were held in favour of the respondent and the Labour Court has awarded the lumpsum compensation of Rs. 50,000/- (Rupees Fifty Thousand only) which is not sustainable one, since the respondent is over aged and he is not willing to rejoin the duty in the petitioner show room, and it is liable to be quashed. Further, the petitioner has already deposited 25% of the award amount.

4. Per contra, the learned counsel appearing for the respondent would submit that already in order to prove the respondent's employment, he examined himself as W.W.1 and examined co-employee as W.W.2 and on his side, Ex.W1 to Ex.W10 were marked. On the side of the petitioner, Ex.M1 to Ex.M4 were marked. After



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considering the materials available on record, the Labour Court awarded fair compensation to the respondent which cannot be interfered with. Further, no contra evidence has been produced before this Court to interfere with the award passed by the Labour Court.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. The facts in the present case are not in dispute. Admittedly, the respondent has raised an Industrial Dispute in I.D.No.24 of 2016 for reinstatement under Section 2(A)(2) of ID Act. In order to substantiate his claim, the respondent examined himself as W.W.1 and examined one Raju as W.W.2 and on his side, Ex.W1 to Ex.W10 were marked. On the side of the petitioner, Ex.M.1 to Ex.M.4 were marked. After considering the materials available on record, the Labour Court awarded the compensation of Rs.50,000/- (Rupees Fifty Thousand only) payable to the respondent by the petitioner. Further, no contra evidence has been produced before this Court by the petitioner to disprove the case of the



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private respondent. Hence, this Court is not inclined to interfere with the decision of the Labour Court. However, the petitioner is directed to deposit the remaining 25% of the award amount before the Labour Court within a period of four weeks from the date of receipt of a copy of this order and on such deposit, the respondent is permitted to withdraw the said amount.

7. Accordingly, this Writ Petition is dismissed. No costs.
Connected miscellaneous petition is also closed.

20.01.2023

ssb

NCC:Yes/No
Index:Yes/No
Internet:Yes/No

To

Labour Court, Madurai

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M.DHANDAPANI,J.

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