



W.P.(MD)No.6804 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6804 of 2018

and

W.M.P(MD)No.6515 of 2018

The Management ,
Nachammai Cotton Mill,
Chettinad,
Karaikudi Taluk,
Sivagangai District.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

2.K.Kumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the records relating to
the award of the Labour Court, Madurai, passed in I.D.No.92/2011, dated
04.10.2017 and quash the same.



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For Petitioner : Mr.V.O.S.Kalaiselvam

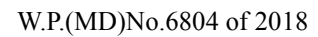
For Respondents : R1 - Court

Mr.S.Bharathy Kannan - for R2

ORDER

This writ petition has been filed to quash the impugned award of the Labour Court, Madurai, passed in I.D.No.92 of 2011, dated 04.10.2017

2. The case of the petitioner is that the second respondent worked as Sider in the Spinning Department and as per the work load settlement, dated 20.03.2009 entered into between the petitioner and the second respondent and as per the settlement, his service was regularized and the wage has been revised on par with the permanent worker and pursuant to the settlement, he received arrears also. However, the second respondent refused to work as per the work load settlement alleging that his Union has not signed in the settlement, thereby, his service was terminated, by initiating a disciplinary proceedings. As against the termination order, the





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highly disproportionate. However, considering the entire materials on record, the Labour Court passed a fair award in favour of the second respondent in lieu of reinstatement, ordered for compensation, which cannot be interfered with and in order to maintain discipline in the petitioner-unit, they passed an award of compensation in lieu of reinstatement, which cannot be interfered with.

5. Accordingly, this writ petition is dismissed. However, the petitioner - Management is directed to pay the compensation amount awarded by the Labour Court without any interest to the second respondent and the said amount is directed to be paid within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2023

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

RM



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To

1. The Presiding Officer,
Labour Court,
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M.DHANDAPANI, J.

RM

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