



W.P.(MD)No.6891 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6891 of 2018

and

W.M.P(MD)No.6619 of 2018

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

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Madurai.

2.S.Iyyappan

... Respondents



W.P.(MD)No.6891 of 2018

WEB COPY

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.88/2011, dated 20.11.2017 and quash the same.

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.88 of 2011, dated 20.11.2017.

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,



W.P.(MD)No.6891 of 2018

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 second respondent raised an Industrial Dispute before the Labour Court under Section 32 of the Industrial Disputes Act and the Labour Court passed an award by way of compensation instead of reinstating the petitioner into service fixed as Rs.3,00,000/- (Rupees Three Lakhs only). Challenging the same, the present writ petition is filed.

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

4. This Court perused the award passed by the Labour Court. A



W.P.(MD)No.6891 of 2018

perusal of the award makes it clear that on the side of the petitioner-Management, 26 documents were marked. On the side of the second respondent/workman, 4 documents were marked. However, in the present case, the allegation as against the second respondent is that the second respondent has not worked as per the work load settlement, for which, he was terminated from service, by conducting enquiry. However, the allegation against the second respondent is not heinous one, for which, termination order passed by the Management, is not proportionate and it is 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



W.P.(MD)No.6891 of 2018

WEB COPY

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

To

1. The Presiding Officer,
Labour Court,
Madurai.



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W.P.(MD)No.6891 of 2018

M.DHANDAPANI, J.

RM

W.P.(MD)No.6891 of 2018

15.02.2023