



W.P.(MD).No.10154 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.10154 of 2015

P.Vellaichamy

... Petitioner

Vs.

1.The Management,
C.A.V.Cotton Mills Ltd.,
Vellapommanpatty,
Dindigul.

2.The Presiding Officer,
Labour Court,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned award in ID.No.99/1997 passed on 12.10.2012 by the 2nd respondent and quash the same as not valid and illegal and thereby direct the 1st respondent to reinstate the petitioner in service with back wages and continuity of service and all other attendant benefits.

For Petitioner : No Appearance



W.P.(MD).No.10154 of 2015

For R1 : Mr.T.Ravichandran

ORDER

This petition has been filed challenging the award passed by the Labour Court, Tiruchirappalli, dated 12.10.2012.

2. The petitioner was working in the 1st respondent management. The petitioner has unauthorizedly absented from duty. Hence, disciplinary proceeding was initiated and he was dismissed from service. The same was challenged before the Labour Court in Industrial Dispute No.99 of 1997. The Labour Court after considering the issue, has partly allowed the petition by setting aside the order of dismissal and directed the respondent management to pay compensation with interest.

3. The learned counsel appearing for the 1st respondent submitted that the petitioner has received the compensation to a tune of Rs.13,628/- (Rupees Thirteen Thousand Six Hundred and Twenty Eight only). Hence, the petitioner has no right to file this writ petition.



W.P.(MD).No.10154 of 2015

WEB COPY

4. However, by taking note of the fact this writ petition is pending from 2015 onwards, this Court is inclined to modify the amount to Rs.20,000/- (Rupees Twenty Thousand only). Since the petitioner has received Rs.13,628/- (Rupees Thirteen Thousand Six Hundred and Twenty Eight only), the balance amount shall be paid by the 1st respondent.

5. The learned counsel for the 1st respondent submitted that the 1st respondent is not in existence, since State Bank of India has taken the properties belonging to the company for non-payment of loan. By taking note of this fact, this Court is inclined to grant more time to pay the amount. The respondent is directed to pay the amount to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With this modification, this Writ Petition stands disposed of. No costs.

02.02.2023

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



W.P.(MD).No.10154 of 2015

To

- 1.The Management,
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Dindigul.
- 2.The Presiding Officer,
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W.P.(MD).No.10154 of 2015

S.SRIMATHY, J.

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W.P.(MD).No.10154 of 2015



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W.P.(MD).No.10154 of 2015

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