



W.P.No.11763 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.11763 of 2015

Chitra.M

... Petitioner

Vs.

1. The Managing Director,
Ponds (India) Ltd,
Pondicherry, now functioning at
Ponds Exports Ltd.,
(Subsidiary of Hindustan Unilever Ltd.)
Poothurai Village,
Vannur Taluk,
Villupram District

2. The Chairman – Cum – Managing Director,
Ponds Exports Ltd.,
(Subsidiary of Hindustan Unilever Ltd.)
Registered office,
New No.18, (Old No.123),
G.N.Chetty Road, T.Nagar,
Chennai – 17.

3. The Presiding Officer,
Labour Court,
Puducherry.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the entire



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records in pursuant to the award dated 22.10.2010 passed by the third respondent in I.D.No.1 of 2000 and quash the same insofar as partly allowing the industrial dispute and directing the first respondent to pay a sum of Rs.25,000/- to the petitioner towards monetary compensation is concerned and direct the respondents 1 and 2 to pay all service benefits and closure benefits to the petitioner on par with other erstwhile workers of the first respondent company.

For petitioner : Ms.S.Sriranjini
For respondent : Mr.G.Ananda krishnan

ORDER

This writ petition is filed seeking to quash the award dated 22.10.2010 passed by the third respondent in I.D.No.1 of 2000 and to direct the first respondent to pay a sum of Rs.25,000/- to the petitioner towards monetary compensation and to direct the respondents 1 and 2 to pay all service benefits and closure benefits to the petitioner on par with other erstwhile workers of the first respondent company.

2. The petitioner was working in the respondent company as a Operator from 12.11.1987. A show cause notice dated 10.06.1996 was



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issued to the petitioner for his unauthorised absence. The petitioner submitted her explanations but the same was not accepted by the management and subsequently, domestic enquiry was conducted and the petitioner was dismissed from service on 12.11.1997. An industrial dispute in I.D.No.1 of 2000 was raised by the petitioner before the Labour Court, Pondicherry. The Labour Court has partly allowed the industrial dispute holding that since respondent company was closed there was no question of reinstatement of the petitioner in the respondent company and thereby, compensation to a tune of Rs.25,000/- was granted. Aggrieved by the same the petitioner the petitioner has filed this writ petition.

3. Counter affidavit has not been filed by the respondents/management.

4. The learned counsel for the petitioner submitted that the Labour Court has declined to order re-instatement of the petitioner on the ground that the respondent company was closed, since the respondent company has got many other units and the petitioner can be transferred or to be re-instated in any of the units.



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5. Heard both sides and perused the materials available on record.

6. The issue that the petitioner could have been accommodated in any one of the units was not the subject matter before the Labour Court. There is no record as to what expertise is required for an employee to work in the other units. There is also no record as to whether the petitioner has requisite expertise to meet the requirements to work in any one of the units of the respondent companies. Considering the above, the request of the petitioner to issue a direction to the respondents to consider for reinstatement of the petitioner in any of the other units of the respondent cannot be considered.

7. It is submitted by the learned counsel for the petitioner that the compensation amount of Rs.25,000/- granted by the Labour Court is very meagre and sought for enhancement of the same. This Court is in agreement to the submissions of the learned counsel for the petitioner. However, on account of the fact that the respondent unit was closed and is not running any more, the Labour Court had no option except to direct the respondents to pay compensation.



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8. In view of the above, this writ petition is disposed of holding that the compensation amount awarded by the Labour Court is very meagre and thereby the same is enhanced to Rs.1,00,000/-. The respondents are directed to pay the petitioner the above said amount within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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Index : Yes/No
Internet : Yes/No
Citation : Yes/No

To:

The Presiding Officer,
Labour Court,
Puducherry.

DR. D.NAGARJUN,J.

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