



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.27290 of 2011

S.Pakkirisamy

...

Petitioner

versus

1.The Management of
M/s.Gunnebo India Limited,
(formerly known as Steelage Industries Limited)
No.98-B, Minimax Division,
Ambattur Sidco Estate,
Chennai - 98.

2.The Presiding Officer,
I Additional Labour Court,
Chennai.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to I.D.No.342 of 2000 and quash the award of the Labour Court dated 10.01.2011 and consequently direct the first respondent to reinstate the petitioner in service with continuity of service, full backwages and all other attendant benefits from the date of denial of work.



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For Petitioner : M/s.T.Fennwalter and Associates
For Respondent No.1 : M/s.Jayaraman & Associates
For Respondent No.2 : M/s.M.Jayanthy
Additional Government Pleader

ORDER

The writ petition has been filed challenging the award of the learned Presiding Officer, I Additional Labour Court, Chennai, dated 10.01.2011 made in I.D.No.342 of 2000.

2. In an industrial dispute raised by the petitioner alleging that the order of termination is illegal, the Labour Court has passed an award for granting compensation of Rs.1,00,000/- in view of reinstatement.

3. The learned counsel for the petitioner submitted that the charges against the petitioner have been disproved and in that case, the petitioner ought to have been given the relief of reinstatement with all other benefits instead of compensation.

4. The Labour Court has appreciated the evidence on record and arrived at a conclusion that the charges were not proved and set aside the order of termination. But however, the Labour Court did not prefer to grant



an order of reinstatement for the reason that one of the first respondent's concerns has been closed and the scope of reinstatement is bleak.

5. The learned counsel for the first respondent submitted that even at the time of passing the award, there was only one unit and that was closed and hence, there is no possibility of enforcing any order for reinstatement. In order to give a quietus to the matter, the first respondent has complied the order by paying the compensation as awarded by the Labour Court. The petitioner also did not deny the fact that he received the compensation. However, on protest and without prejudice to the pending writ petition. It is not difficult for the petitioner to accept the practicality of the relief of reinstatement claimed by him. All that the petitioner now claims is an enhancement of compensation.

6. The learned counsel for the petitioner submitted that similarly placed persons have been given with higher compensation even after the closure of the company, but the petitioner has been given with a very less compensation, which is unreasonable. It is too late now to look at the quantum of the compensation also because the first respondent's Unit is also



said to have been closed. In order to strike a balance and give a finality for the matter by considering the various circumstances, I feel a little enhancement of compensation can be given.

7. Accordingly, the award of the learned Presiding Officer, I Additional Labour Court, Chennai, made in I.D.No.342 of 2000 dated 10.01.2011, be modified by enhancing the compensation from Rs.1,00,000/- to Rs.1,75,000/-. Since Rs.1,00,000/- has already been paid, the first respondent is directed to pay the balance of Rs.75,000/- within a period of four weeks from the date of receipt of a copy of this order.

8. With the above observations, this Writ Petition is **disposed**. No costs.

18.09.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



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To

The Presiding Officer,
I Additional Labour Court,
Chennai.



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R.N.MANJULA, J.

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