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W.A.Nos.2489 and 2398 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.Nos.2489 and 2398 of 2021
and C.M.P.No.16157 of 2021

W.A.No.2489 of 2021

M.Rajakumar

... Appellant

Vs.

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

2.The Chairman,
Board of Governors,
Technical Teachers Training Institute
Chennai Society,
Tharamani, Chennai-600 113

3.The Principal,
(Now Director),
Technical Teachers Training Institute
Chennai Society,
(Now N.I.T.T.T.R Society),
Tharamani, Chennai-600 113

... Respondents



W.A.Nos.2489 and 2398 of 2021

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the learned Single Judge order dated 19.09.2017 passed in W.P.No.20422 of 2012.

W.A.No.2398 of 2021

M.Rajakumar

...Appellant

vs.

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

2.National Institute of Technical Teachers,
Training and Research,
rep. By its Director,
(formerly Technical Teachers
Training Teachers),
TTT [Campus, Taramani,
Chennai-600 113.

3.K.S.Raju,
National Institute of Technical Teachers
Training and Research,
TTTI Campus, Taramani,
Chennai-600 113.

...Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the learned Single Judge order dated 19.09.2017 passed in W.P.No.7927 of 2012.

In Both W.As

For Appellant

: Mr.V.Govardhanan

For Respondents

: Labour Court – R1

Mr.Vishnu Mohan for R2 and R3



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COMMON JUDGEMENT

(Judgement of this Court was delivered by M.S.RAMESH.J)

This Writ Appeal has been filed to set aside the orders of the learned Single Judge of this Court passed in W.P.No.20422 of 2012 and W.P.No.7927 of 2012, dated 19.09.2017.

2.Heard Mr.V.Govardhanan, learned counsel for the appellant and Mr.Vishnu Mohan, learned counsel appearing for the respondents 2 and 3.

3. Originally, when the appellant was imposed with a punishment of removal from service on 25.02.2003, he had challenged the punishment before the Labour Court in I.D.No.18 of 2004, as well as before a learned Single Judge of this Court in W.P.No.41539 of 2005, which were both dismissed. In the Intra Court appeal in W.A.No.724 of 2009, a Co-ordinate Bench of this Court had set aside the award of the Labour Court insofar as it imposed the maximum punishment of removal from service and remanded the matter to the Labour Court to reconsider the imposition of



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punishment in terms of Section 11A of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act'). On remand, the Labour Court had reconsidered the issue insofar as it relates to imposition of the punishment and awarded compensation of Rs.6 Lakhs in lieu of reinstatement, through its award dated 22.11.2011. Both the Management, as well as the workman had challenged this award through W.P.No.7927 and 20422 of 2012. A learned Single Judge of this Court, after considering the submissions made on either side concluded that the lump sum compensation awarded to the workman would deprive him of his lifetime retirement benefits and entire service record, and considering the strained relationship between the workman and the Management, the learned Single Judge had struck a balance between the interests of the Management and the workman and modified the punishment from compensation to one of compulsory retirement.

4. We have carefully perused the award of the Labour Court, as well as the common order of the learned Single Judge in the Writ Petitions.



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5. In the first round of litigation, when a Co-ordinate Bench of this Court had remanded back the matter to the Labour Court, by setting aside the punishment and assigned the Labour Court with a limited task of considering the proportionateness of the punishment alone, the Labour Court had once again placed reliance on the evidences before it and had come to the conclusion that since the relationship between the employer and workman was strained, it would not be appropriate for reinstating him back into services and therefore, had awarded compensation of Rs.6 Lakhs.

6. The grievance of the workman before the learned Single Judge is that he had joined the service of the third respondent / Institute on 30.04.1986 and had lost the benefits of his long lengthy service in view of the compensation awarded by the Labour Court. In view of such grievance, the learned Single Judge, while analyzing the award of the Labour Court, had rightly struck a balance between the parties to the dispute and modified the punishment to one of compensation. For the purpose of arriving at such a decision, the learned Single Judge had found that under Section 11A of the Act, the Labour Court ought to have substituted with



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some other punishment in lieu of the removal from service and cannot order a lump sum compensation, which deprives the entire service of the workmen. In the light of such findings, the learned Single Judge had imposed a punishment of compulsory retirement.

7. We approve the above decision of the learned Single Judge in finding that the Labour Court, in exercise of its powers under Section 11A of the Act, ought to have opted for a punishment other than lump sum compensation.

8. In view of the above, there are no merits in the grounds of both the appeals. Accordingly, these Writ Appeals stand dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [C.K., J]

01.10.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Anu



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To

The Presiding Officer,
I Additional Labour Court,
Chennai.



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M.S.RAMESH, J.
and
C.KUMARAPPAN, J.

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