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W.P.No.4567 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM :

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

W.P.No.4567 of 2014

D.Manickam

... Petitioner

Vs.

1. The Presiding Officer,
II Additional Labour Court,
Chennai.
2. The Management of
M/S. Gunnebo India Ltd.,
(Formerly known as Steelage Industries Ltd.),
Minimax Division,
Plot No.98-B, North Phase,
Ambattur Indl. Estate,
Chennai – 98.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, calling for the records to quash the portion of award passed by the first respondent in I.D.No.440 of 2001 dated 26.04.2013 in respect of compensation amount of Rs.75,000/- and consequently direct the second respondent to reinstate the petitioner in service with backwages, continuity of service and other attendant benefits or to pay a lump sum of Rs.9,58,581/- in lieu of reinstatement which was given to other co-employee.

For petitioner	:	Mr.R.Jai Kumar
For R1	:	Labour Court
For R2	:	Mr.Rangesh for Mr.Jayaraman



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ORDER

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This writ petition is filed challenging the award passed by the first respondent in I.D.No.440 of 2001 dated 26.04.2013.

2. It is submitted by the learned counsel for the petitioner/workman that the petitioner started working in the second respondent unit in the year 1985 as a Sheet Metal Worker. The petitioner has raised a dispute with the management in respect of certain workmen. But the second respondent unit did not pay attention to it and hence, the petitioner union took a decision not to cooperate with the management until the second respondent unit comes down for the talks with the petitioner union. Some of the workmen left the second respondent unit and requested the contract labour and other workers not to work as per the resolution of the union. The petitioner was the Joint Secretary of the union and other officer bearers of the union were targeted and the petitioner was issued with a charge memo and the charges frames against the petitioner are as follows:

“ The petitioner is charged that on 15.07.1998 at about 9:15 A.m. He barged into the factory along with



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Mr. John Joshi and Mr. Nagarajan asked why the causals and housekeeping personnel were at work cleaning the premises threatened them and chased them out of the factory.”

3. An enquiry was conducted and ultimately the petitioner was terminated from service on 26.04.2013. The petitioner raised I.D.No.440 of 2001, after conclusion of the enquiry impugned orders were passed directing the second respondent management to pay an amount of Rs.75,000/- as compensation in lieu of reinstatement. Aggrieved by the same, this present writ petition.

4. It is submitted by the learned counsel for the petitioner/workmen that in the similarly placed circumstances his colleagues were granted an amount of Rs.9,58,585/- with continuity of service. Therefore, sought for suitable orders to quash the impugned order insofar as the quantum of compensation is concerned.

5. The learned counsel for the second respondent management submitted that the second respondent management was closed in the year 2011 itself and that the second respondent management has not resorted any unfair labour practices in respect of the petitioner.



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6. It is submitted by the learned counsel for the petitioner that the management did not prove that the petitioner was threatened and drove the contract workers out of the management premisses who were working at that time and materials has been produced and the enquiry officer concluded his enquiry and the petitioner was terminated. The Labour Court, aggrieved with the findings of the enquiry officer stated that the termination of the petitioner was disproportionate and hence, the first respondent, Labour Court has directed the second respondent management to pay a compensation to a tune of Rs.75,000/-.

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

8. This Court has gone through carefully the orders passed by the first respondent, Labour Court, wherein the Labour Court has discussed the entire evidence that was recorded by the enquiry officer and ultimately one point was raised by the first respondent, Labour Court as to whether punishment imposed on the petitioner was disproportionate or not. It is the findings of the Labour Court that since the respondent unit



was closed in lieu of reinstatement, an amount of Rs.75,000/- was awarded as compensation basing on the fact that the punishment imposed on the petitioner was highly inappropriate.

9. The respondent unit was closed in the year 2011 and the petitioner cannot be reinstated and hence, the Labour Court felt that it could be appropriate to award compensation in lieu of reinstatement and thus Rs.75,000/- was awarded. But the compensation awarded was very meagre, had the second respondent unit been working, the petitioner would have been reinstated and he would earn even more and further, this amount of Rs.75,000/- was awarded in the year 2013 which is 11 years ago and if this amount was deposited in any nationalized bank it could have multiplied by three times by then.

10. Considering the circumstances, this Court is of the opinion that it can intervene in the award passed by the first respondent, Labour Court only in terms of quantum of compensation.

11. Accordingly, this writ petition is disposed of directing the second respondent management to provide a compensation to a tune of



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Dr.D.NAGARJUN,J.

vca

Rs.5,00,000/- to the petitioner in lieu of reinstatement within a period of ten weeks from the date of issue of a copy of this order. No costs.

19.03.2024

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

To

The Presiding Officer,
II Additional Labour Court,
Chennai.

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