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W.P.No.34867 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.34867 of 2014
and M.P.No.1 of 2014

The Management of Vijaya Lodge,
Rep. by Proprietor L.Subaiah Babu,
No.174 N.S.C., Bose Road,
Chennai.

... Petitioner

Vs.

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

2. Asirvatham

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the award dated 28.08.2014 in I.D.No.344 of 2013 passed by the first respondent and quash the same.

For Petitioner : Mr.K.Kumar

For Respondents : Mr.P.Sankara Narayan for R2
Labour Court – R1



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ORDER

Heard Mr.K.Kumar, the learned counsel for the petitioner and Mr.P.Sankara Narayan, the learned counsel for the second respondent.

2. The petitioner management has filed this writ petition challenging the award of the learned Presiding Officer of the I Additional Labour Court, Chennai 28.08.2014 in I.D.No.344 of 2013.

3. On an Industrial Dispute raised by the second respondent on the allegation that he was illegally dismissed, an award has been passed by allowing compensation at the rate of 50% of the wages drawn by the second respondent from the month of June, 2011 till the date of the passing of the award i.e. 28.08.2014.

4. Mr.K.Kumar, the learned counsel for the petitioner, submitted that the second respondent was arrested for an immoral offence and only because of him the reputation of the petitioner's life itself was tarnished and thereafter, he was compelled to close the business.



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6. The second respondent has been arrested at the premises of the petitioner's lodge. For the reasons best known to the prosecution agency, the second respondent who was just the employee of the petitioner lodge has been arrested. It seems due to some embarrassments the petitioner did not choose to contest the matter with all seriousness when the Industrial Dispute was raised by the second respondent. So it is too late now to come and argue that the second respondent has been arrested for his own faults and he only tarnished the image of the petitioner's business. Even though the Labour Court has passed an *ex parte* award, it is reasonable in its appreciation for allowing the claim only for compensation at the rate of 50%. In my view, the above award of the Labour Court is in the circumstances placed before the



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Court is correct and I do not find any perversity or illegality warranting interference.

7. In the result, the Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

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Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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To:

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



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R.N.MANJULA, J.

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