



WEB COPY



W.P.No.26416 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.26416 of 2024 and**  
**W.M.P.No.28870 of 2024**

The Management,  
Rep by its Chief Executive Officer,  
Roots Polycraft,  
5/387, Krishnamasy Gounder Thottam,  
Pannimadai, Coimbatore 641 017.

... Petitioner

Vs.

R.Mandhiri

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned award dated 18.03.2024 made in I.D.No.55 of 2022 on the file of the learned Additional Labour Court, Coimbatore and quash the same.

For Petitioner : Ms. Mahasree Thangaraj for  
Mr.G.Raja

**ORDER**

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records pertaining to the impugned award dated 18.03.2024 made in I.D.No.55 of 2022 on the file of the learned Additional Labour Court,



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Coimbatore and quash the same.

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2. Heard Ms. Mahasree Thangaraj, learned counsel for the petitioner and perused the materials available on record.

3. In the industrial dispute raised by the respondent workman claiming that he has been terminated without following the due procedure, the Labour Court has passed an award for reinstatement along with backwages. Now the petitioner Management has filed this Writ Petition challenging the above award on the ground that the Labour Court has not considered the willful absence of the petitioner and he has not been terminated as claimed by him.

4. It is seen from the records that all along the Management was making a plea that there is no hurdles in allowing the respondent to continue to work. However, the words were not put into action and the learned Presiding Officer has appreciated the materials on record to show that every time the respondent insisted for reinstatement, that has not been granted by the petitioner Management.



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**5.** Admittedly, no domestic enquiry has been conducted. Though the Management has issued the Exs.W41,W46 & W47, the intimation letters, to the respondent that the domestic enquiry is proposed to be conducted, that was not conducted. Even after placing the respondent on suspension, it is stated that the Management would continue to call the respondent to come and join duty. When the suspension order Ex.W8 dated 21.10.2020 has been issued in a written order, it is difficult to believe that the Management had continued to call the respondent to join duty and that they had a standing offer.

**6.** The learned Presiding Officer has dealt the above point by observing that no Management would allow the employee who was kept under suspension to come and join duty without revoking the suspension. In fact the petitioner has alleged that the respondent was in the habit of picking up quarrel at the gate and a criminal complaint has also been lodged and a case has been registered in CSR.No.3 of 2021.

**7.** Without considering all these extraneous reasons, the petitioner has been consistently saying without meaning that they are all along



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willig to reinstate the respondent, but the respondent did not prefer to join duty and his only intention is to extract money. Since the petitioner's above contention was made in air without any proof, the learned Presiding Officer has chosen to dismiss their contention and had chosen to allow the dispute raised by the workman.

8. In fact the categorical observation of the Presiding Officer of the Labour Court is that the respondent has been repeatedly visiting the Company only for seeking reinstatement. But the same has not been considered. Since the allegations against the workman were not proved and that the termination was also not done by following the due procedure and there is no domestic enquiry notice has been issued to the respondent informing the domestic enquiry, the Presiding Officer has rightly allowed the industrial dispute and passed orders for reinstatement along with backwages. Hence, I find no reason to interfere with the award passed by the Additional Labour Court, Coimbatore.

9. Hence, this Writ Petition is dismissed. No costs. Consequently,



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connected miscellaneous petition is closed.

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Index : Yes /No

Speaking / Non-speaking

Neutral Citation : Yes / No

gsk

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To

The Additional Labour Court,  
Coimbatore.



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**R.N.MANJULA, J.**

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