



W.P.No.20082 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.20082 of 2019
and W.M.P.No.19549 of 2019

The Management,
R.M.K.Engineering College,
Rep. by its Vice Chairman – R.M.Kishore
R.S.M.Nagar,
Kavarapettai,
Thiruvallur District.

... Petitioner

Vs.

G.Rajesh

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the 1st Additional Labour Court, Chennai in I.D.No.366 of 2017 and quash its Award dated 12.02.2019.

For Petitioner : Mr.P.Nehru

For Respondent : Mr.V.Porkodi



W.P.No.20082 of 2019

ORDER

WEB COPY

Heard Mr.P.Nehru, the learned Counsel for the petitioner and Ms.V.Porkodi, the learned counsel for the respondent.

2. The petitioner has filed this writ petition challenging the award of the I Additional Labour Court, Chennai dated 12.02.2019 made in I.D.No.366/2017.

3. The respondent / workman who was working as a Supplier in the Canteen run by the petitioner / Management has raised an Industrial Dispute stating that he has been terminated from service illegally. However, the petitioner / Management claims that the respondent on his own volition has given his resignation letter on 12.01.2016 and later he had raised an Industrial Dispute stating that he has been dismissed from service.

4. On a perusal of the impugned award it is seen that the learned Presiding Officer has observed that the respondent did not dispute his signature in the resignation letter which is marked as Ex.M2. The learned Presiding Officer has further observed that even though the signature may be presumed to be the signature of the workman, the content of the letter could



have been written by someone and the petitioner could have simply signed the letter without understanding its contents. Having accepted the signature in the resignation letter, the respondent claims that he has not given the resignation letter. Even if the respondent chooses to say that his signature in the resignation letter has been affixed by him but he is not aware of the content of the letter, then he has got a duty to prove certain facts as to how his signature has been affixed on Ex.M2. However, the respondent did not state any reasons for assigning the signature on a paper either empty or written.

5. It appears that the Presiding Officer has gone beyond the materials and made an observation that the respondent could have affixed his signature without understanding the contents. However, the Presiding Officer has convinced not to accept the resignation letter as a genuine one in view of the fact that the letter has been captioned on 22.01.2016 but it has recitals stating that the respondent is going to resign on and from 12.01.2016. This clinching contraction could have convinced the Labour Court not to accept the resignation of the petitioner. However, the petitioner could have had the honesty to admit that there was a resignation letter in which he had actually signed it but without being aware of its seriousness. But he had totally refused the existence of the very letter and the signature affixed on it. Attention of the



W.P.No.20082 of 2019

Court was drawn to various records like vakalat, witness statement, etc., where the petitioner was in the habit of affixing the signature in different patterns.

6. Since the respondent has also contributed to the confusion by signing certain letters and the signature of which has been admitted by him, the Presiding Officer could have exercised better discretion while considering the relief of back wages. So far as the reinstatement is concerned, I find no reason to find fault with the appreciation of the Labour Court. However, considering the contributing factors discussed above, I feel the award of the Labour Court can be modified by restricting the back wages to 50% by confirming the rest of the reliefs granted by the Labour court.

7. In the result, the writ petition is partly allowed by modifying the award of the Labour Court dated 12.02.2019 made in I.D.No.366 of 2017 to the extent of restricting the back wages to 50% with all other attendant benefits with continuity of service along with reinstatement. No costs. Connected miscellaneous petition is closed.

11.09.2024

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

bkn



W.P.No.20082 of 2019

To:

1. I Additional Labour Court,
Chennai



WEB COPY



W.P.No.20082 of 2019

R.N.MANJULA, J.

bkn

W.P.No.20082 of 2019

11.09.2024