



W.P.No.24949 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.01.2024

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.24949 of 2019

R.Karunakaran

...Petitioner

Vs.

T.Gunasundari

...Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records connected with the impugned award passed in I.D.No.98 of 2005 dated 07.11.2014, on the file of the Principal Labour Court, Vellore, and quash the portion of the award granted compensation of Rs.32,005/- and further direct the respondent / management to reinstate the petitioner in service as Driver and pay the backwages and other attendant benefits from the date of dismissal i.e 19.09.2004 to till his date of retirement i.e.



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14.02.2020.

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For Petitioner : Mr.S.N.Ravichandran

For Respondent : Mr.S.Ravindran, Senior Counsel
for M/s.Bazeer Ahamed

ORDER

Writ petition is filed challenging the Award of the Labour Court in I.D.No.98 of 2005 dated 07.11.2014.

2. The petitioner joined service of the respondent in the year 1988 as a driver and was paid monthly salary of Rs.8,000/-. Though the petitioner served the respondent for more than 7 years, the respondent terminated the services of the petitioner without notice and without conducting any enquiry. The petitioner therefore challenged the termination order by raising a dispute which was registered as I.D.No.98 of 2005 before the Labour Court.



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3. The Labour Court passed the Award on 07.11.2014 holding that the termination of the petitioner was illegal. The Labour Court Awarded compensation of Rs.32,005/- in lieu of reinstatement on the ground that the petitioner had failed to establish physical fitness for discharging the duties as a driver. Aggrieved by the Award of the Labour Court the petitioner has filed the above writ petition.

4. The learned counsel for the petitioner submits that the Labour Court on an erroneous assumption that the petitioner had reached the age of superannuation Awarded compensation of Rs.32,005/- in lieu of reinstatement. The learned counsel further submits that the petitioner had service till 14.02.2020. The learned counsel therefore submits that the Award of the Labour Court is not sustainable.

5. The learned counsel for the respondent on the other hand submits that the compensation of Rs.32,005/- Awarded by the Labour Court was already paid to the petitioner and after receiving the compensation amount the petitioner filed the above writ petition after lapse of 2 ½ years. The



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learned counsel therefore submits that as the Award of the Labour Court is complied with, the writ petition deserves to be dismissed.

6. I have heard both the learned counsels and I have perused the materials placed on records.

7. It is true that the Labour Court has Awarded a compensation of Rs.32,005/- in lieu of reinstatement on the premise that the petitioner had attained the age of superannuation. Though the petitioner had more than 5 years of service left at the time of the Award, the fact is that the petitioner reached the age of superannuation on 14.02.2020 and hence it is not possible to order reinstatement. In my view therefore the ends of justice would be served if the compensation Awarded by the Labour Court at Rs.32,005/- is enhanced. In my view under the facts and circumstances of the case, just and fair compensation would be Rs.65,000/- (Rupees Sixty Five Thousand).



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8. In view of the above discussions, the respondent is directed to pay the enhanced compensation of Rs. 32,995/- (Rs.65,000 - 32,005/- = 32,995/-) within a period of four (4) weeks from the date of receipt of a copy of this order. Writ petition is accordingly disposed of. There shall be no order as to costs.

12.01.2024

Index:Yes/No
Speaking Order:Yes/No
Neutral Citation:Yes/No
shl/dsn



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N.MALAJ.

dsn/shl

To

The Principal Labour Court,
Vellore.

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