



W.P.No.28971 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.28971 of 2022

K.Baskar

... Petitioner

Vs

Jaitech Power House Management,
Founder P.Chellamuthu,
New No. 17, Old No. 9,
First Crescent Park Road,
Gandhi Nagar, Adyar,
Chennai - 600 020.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, calling for the records from the first Additional Labour Court, Chennai relating to the impugned Award dated 27.07.2022 in O.P. No.96/2021 and quash the particular portion of the award by which denying full back wages and denying all other attendant benefits, and consequently direct the respondent herein to pay full back wages and all other attendant benefits to the petitioner.



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For Petitioner : Mr.R.Murugesan

For Respondent : Mr.Praveen Alexander

ORDER

This writ petition is filed by the workman aggrieved by the award of the Labour Court dated 27.07.2022 made in O.P.No. 96 of 2021.

2. The case of the workman is that initially he was appointed as Driver-Cum-Office Assistant to the Manager and thereafter, worked as Generator Engineer in the respondent company. While so, he was orally terminated from service with effect from 26.12.2019.

3. The said fact is denied by the management. According to the management, he was paid the entire salary up to December 2019. It is the workman who voluntarily abandoned his work. Even during the subsequent months, he was paid half wages, which would show that he was not orally terminated from service.

4. The Labour Court considered the case of the parties and held that the workman was wrongfully terminated and ordered reinstatement into service.



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However, considering the nature of the allegations against the workman and also the fact that he took one year to raise the dispute, the Labour Court denied the back wages. Now pending the writ petition, the workman has been reinstated into service with effect from 26.06.2024 with all continuity of service, etc., and he is currently working.

5. In that view of the matter, I am not in agreement with the learned counsel for the workman that the workman's case should be considered for payment of back wages and that the award of the Labour Court is erroneous in law. Whenever the Labour Court finds that the workman has wrongly been terminated, the payment of backwages is not automatic. It would be open for the Labour Court to consider the attendant circumstances and to grant or deny or grant in part the back wages. In this case, considering the award was passed on 27.07.2022, the back wages for the period 26.12.2019 up to the date of the award has been denied by the Labour Court and I do not find any error whatsoever. However, the management has not challenge the award. Therefore, from the date of the award, (i.e) from 27.07.2022 till the date of reinstatement on 26.06.2024, the workmen will be entitled to the wages as per the award. Therefore, the writ petition is disposed of on the following terms:-



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(i) The award of the Labour Court dated 27.07.2022 made in O.P.No.96 of 2021 shall stand confirmed.

(ii). The fact that the workman is reinstated into service with all continuity of service etc., with effect from 26.06.2024 is recorded. As per the award of the Labour Court from 27.07.2022 till 26.06.2024, the management shall pay the arrears of back wages and the said sum shall be calculated and paid to the workman within a period of twelve weeks from the date of receipt of the website uploaded copy of this order, without waiting for the certified copy of this order. No costs.

20.12.2024

Neutral Citation: Yes/No
nsl

To
I Additional Labour Court,
Chennai

D.BHARATHA CHAKRAVARTHY, J.



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