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W.P. No.30393 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM:

THE HON'BLE MS. JUSTICE R.N. MANJULA

W.P. No.30393 of 2024

M. Murugesan

Petitioner

vs.

The Management

Mani Traders

D.No.380, Range Gowder Street

Coimbatore – 9

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records pertaining to the award dated 31.01.2024 passed in I.D.No.6 of 2022 on the file of the Additional Labour Court, Coimbatore.

For petitioner

Mr. N. Shanmuga Thayumanavan

ORDER

This writ petition has been filed calling into question the legality and validity of the award dated 31.01.2024 passed by the Additional Labour Court, Coimbatore (for short “the Labour Court”) in I.D. No.6 of 2022.



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2. Minus the minute details, the germane facts leading to the filing of this writ petition are succinctly set out below:

The petitioner/workman raised the aforesaid industrial dispute on the ground that he was orally terminated by the respondent Management which is illegal. However, the Labour Court, *vide* award dated 31.01.2024, came to a conclusion that the petitioner/workman himself absented from duty and that there is no illegal oral termination, as pleaded by him and eventually, dismissed the industrial dispute. The said award of the Labour Court is assailed in this writ petition.

3. The learned counsel for the petitioner/workman submitted that the oral termination of the petitioner/workman is illegal and the petitioner/workman sent a request letter on 17.09.2020 seeking reinstatement and that the facts have not been properly appreciated by the Labour Court. He further submitted that while cross-examining the petitioner/workman, the counsel for the respondent Management had suggested that the petitioner/workman was terminated from service since



he had stolen some goods.

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4. On a comprehensive reading of the impugned award, it is seen that the Labour Court has made an observation about the petitioner/workman's admission that he was in abscondance for a period of six months, *i.e.*, from 30.04.2020 to 30.10.2020. Even according to the further admission given by the petitioner/workman, he did not attend duty from 04.05.2020 to 15.05.2020. In fact, a criminal case in Variety Hall Road P.S.Cr.No.813 of 2020 for offences under Sections 408,420 and 120B IPC was registered against the petitioner/workman on the allegation that he had stolen away some goods belonging to the respondent Management and sold them for his personal enrichment. The petitioner/workman was granted conditional anticipatory bail during the month of July 2020. Further, the petitioner/workman himself had admitted that he was in abscondance in view of the criminal case pending against him. Having given a blanket admission of that sort, the petitioner/workman cannot rest his ground on a mere slip of the tongue of the learned counsel for the respondent Management during his cross-examination. During the cross-examination, it was suggested that the petitioner/workman was terminated due to his abscondance after stealing the goods. The consistent defence of the respondent Management throughout the proceedings is that



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the petitioner/workman himself had absconded due to his involvement in a criminal case connected to the theft. The Labour Court has appreciated the evidence in a holistic manner by attaching significance to the petitioner/workman's own admission and given due credence to it. Hence, the ground which the petitioner/workman now urges does not cut ice with this Court as no inference can be taken from one isolated sentence.

5. In such perspective of the matter, this Court has no incertitude in holding that the Labour Court has passed the well-merited impugned award only after a thorough analysis and proper appreciation of the materials placed before it and consequently, the same does not warrant interference by this Court.

In the upshot, this writ petition fails as being devoid of merits and is accordingly dismissed, however, sans costs. Connected W.M.P. stands closed.

17.10.2024

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R.N.MANJULA, J.

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