



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.10260 of 2012
and M.P.No.1 of 2012

The Management,
Cheyyar Co-operative Sugar Mills Ltd.,
Anakkavoor – Thenthandalam,
Cheyyar, Thiruvannamalai.

... Petitioner

Vs.

1. P.Murugesan

2. The Presiding Officer,
Additional Labour Court of Vellore,
Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorari calling for the records of the second respondent in
passing award in ID. No.358 of 2002 dated 02.09.2010 to quash the same.

For Petitioner : Mr.R.R.Shanmugasundaram

For Respondents : R2 – Court
R1 – Mr.P.Jagadeesan



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ORDER

These Writ petition has been filed seeking to quash the order passed by the second respondent in ID. No.358 of 2002 dated 02.09.2010.

2. The case of the petitioner Management is that the respondent was appointed as Assistant in the year 1990 with a consolidated pay of Rs.975/- per month. Thereafter, he received a sum of Rs.4200/- at that time of terminal service on 31.03.1997. For unauthorized absent, he was directed to appear before the medical board. Subsequently, enquiry officer was appointed and the enquiry officer drawn a proven minute. On the basis of the proven minute, the respondent was dismissed from service. As against the dismissal, the respondent filed a petition under Section 2A(2) of the Industrial Dispute Act directing the petitioner to reinstate the respondent in service with all back wages with continuity of service and other attendant benefits and the same was taken on file in ID.No.358/2002 and the same was allowed directing the petitioner to reinstate the first respondent in service without back wages with continuity of service. Challenging the



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same, the petitioner Management filed the present writ petition before this

3. The learned counsel for the petitioner submitted that the Labour Court has failed to appreciate the documentary proof filed by the first respondent, which are false. The Labour Court failed to give any reasons and grounds for holding that the enquiry officers report is bad in law. Under such circumstances, without considering the entire fact, the Labour Court allowed the petition which was filed by the workmen which needs interference of this Court.

4. The learned counsel for the respondent submitted that after considering the oral and documentary evidence, the Labour Court has allowed the petition in favour of the first respondent, which is perfectly in order. Further, no perversity was established before the Labour Court to disprove the claim made by the first respondent.

5. The learned counsel further submitted that during pendency of the



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writ petition, the respondent attained the age of superannuation. Hence,

there is no possibility to implement the order passed by the Labour Court.

Therefore, the learned counsel prays that this Court may direct the petitioner to settle the entire terminal benefits with continuity of service within the stipulated time as fixed by this Court.

6. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

7. The first respondent had left the workplace without any prior permission and thereafter, he had taken medical leave from 28.06.1996 to 30.06.1996 and 01.07.1996 to 23.07.1996. The petitioner has rejected the application. Even then, the first respondent has taken leave and he failed to appear before the medical board. After enquiry, the first respondent was dismissed from service. The Labour Court has not only set aside the enquiry report but has conducted the trial by examining necessary witnesses and marked documents and come to the conclusion that the petitioner management has not proved the case of willful absence of the first



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respondent and accordingly, had directed the petitioner management to reinstate the first respondent with continuity of service and grant all the terminal benefits and attendant benefits. The Labour Court has also held that as the workmen has failed to prove that he was not gainfully employed, the Labour Court has rejected the claim for backwages. On consideration of the entire materials and also the reasoning of the Labour Court, this Court is of the view that the Labour Court has analyzed all the materials and proper prospective and has allowed the claim of the workmen by directing reinstatement of the workmen with continuity of service and all terminal benefits, however, without any back wages. The said findings cannot be said to be unreasonable, arbitrary or perverse and the same requires to be affirmed.

8. It is brought to the notice of this Court that pending writ petition, the workmen has attained the age of superannuation and therefore, there arises no question of reinstatement. The said statement of the petitioner is affirmed by the learned counsel appearing for the first respondent.



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9. In the afore stated circumstances, the Writ Petition is disposed of by confirming the order passed by the Labour Court in ID. No.358/2002 by directing the petitioner Management to settle the terminal benefits to grant continuity of service and settle the terminal benefits of the petitioner along with attendant benefits. The petitioner is directed to settle the terminal benefits and all other attendant benefits due to the first respondent workmen within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is also closed. No costs.

06.02.2025

rli

To

The Presiding Officer,

6/8



Additional Labour Court of Vellore,
Vellore District.

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M.DHANDAPANI, J.

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