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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.10457 of 2012

G.Tamilselvi

... Petitioner

-VS-

1.The Managing Director,
Pondicherry State Co-operative Housing,
Federation Limited, No.P.486,
Seventh Cross, Thanthai Periyar Nagar,
Puducherry.

2. The Presiding Officer,
Labour Court, Puducherry.

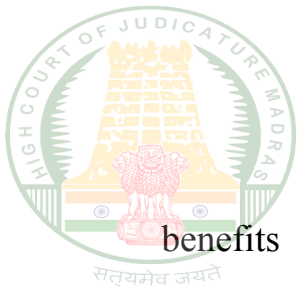
... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the award dated 21.02.2011 passed by the second respondent in ID. No.29 of 2005 quash the same and direct the first respondent to reinstate the petitioner in service, with all consequential benefits including back wages from the date of dismissal to the date of reinstatement.

For Petitioner	:	Mrs.Y.Kavitha
For Respondents	:	Mr.V.Vasanthakumar, AGP R1 R2 - Court

ORDER

The writ petition has been filed seeking to quash the award dated 21.02.2011 passed by the second respondent in ID. No.29 of 2005 and direct the first respondent to reinstate the petitioner in service, with all consequential



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benefits including back wages from the date of dismissal to the date of reinstatement.

2. It is the case of the petitioner that she was joined the service of Pondicherry State Co-operative Housing Federation Ltd., as a Junior Clerk on 01.07.1992 and she was promoted as a Senior Clerk in November 1999. On 08.05.2002 the first respondent issued suspension order for misconduct and misbehavior. After enquiry, the petitioner was dismissed from service. Therefore, the petitioner raised an Industrial dispute under Section 2A(2) of the Industrial Dispute Act 1947 and the same was taken on file in ID. No.29/2005 before second respondent challenging the termination order dated 19.05.2003 and the same was dismissed. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that she has rendered seven years of service with the first respondent Management. Due to ill-health, she could not attend duty and hence, she took leave, for which, the first respondent Management dismissed the petitioner from service which is highly excessive. Hence, this Court may fix the reasonable compensation to the petitioner as she has rendered seven years service. The learned counsel seeks to



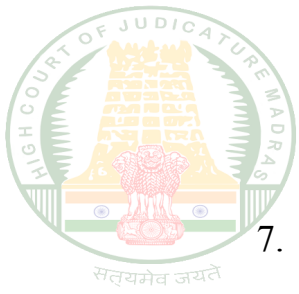
quash the impugned order and allow the writ petition.

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4. The learned Additional Government Pleader submitted that admittedly, the petitioner was working with the first respondent and she rendered seven years of service. However, she has taken leave from 11.11.1999 to 25.06.2000 for which, she has submitted the leave letters for certain period only. Even the said leave letters have been submitted by the petitioner without prior permission from the respondent. When she was asked to rejoin duty, she has not joined and extended her leave without getting sanctioned. After enquiry, the second respondent has dismissed the petition filed by the petitioner, which does not warrant any interference.

5. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on records.

6. The facts of the case are not in dispute. Admittedly, the petitioner was appointed as Junior Clerk in the first respondent office and she has rendered seven years of service. It is an equally undisputed fact that the petitioner has taken leave without getting prior permission. After enquiry, she was dismissed from service.



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7. A perusal of the award passed by the Labour Court, shows that for unauthorized absent, the petitioner was dismissed the petitioner. The Labour Court has also elaborately discussed the issue and dismissed the petition, which is perfectly in order. However, considering the service rendered by the petitioner, this Court is inclined to pay minimum compensation to her.

8. Considering the facts and circumstances of the case and in order to quietus the issue, this Court directs the first respondent Management to pay a sum of Rs.50,000/- as full quit to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

9. With the above modification, the writ petition is disposed of. No costs.

10.02.2025

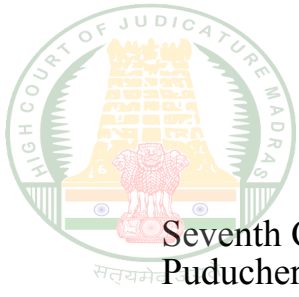
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Index: Yes/No

NCS : Yes/No

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M.DHANDAPANI, J.

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