



W.P.No.10399 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.10399 of 2011

and

M.P.No.1 of 2011

M.Sevagan

... Petitioner

Vs.

1.The Manager,
Management of Periashola Estate,
Periashola Post,
Gudalur Taluk,
The Nilgiris – 643 255.

2.The Presiding Officer,
Labour Court,
Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to Award dated 20.10.2010 passed by the 2nd respondent in I.D.No.513 of 1999, quash the same and direct the 1st respondent to reinstate the petitioner in service with effect from 15.02.1997, with continuity of service and back wages.

For Petitioner : Mr.G.Thamizharasan
for M/s.P.V.S.Giridhar &
Sai Associates

For Respondents : Mr.S.Saravanan [R1]



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Labour Court [R2]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the records relating to Award dated 20.10.2010 passed by the 2nd respondent in I.D.No.513 of 1999, quash the same and direct the 1st respondent to reinstate the petitioner in service with effect from 15.02.1997, with continuity of service and back wages.

2. The case of the petitioner is that, he was working in the 1st respondent plantation from 01.10.1987 initially on a temporary basis. During the relevant time, he was working as a Junior Subordinate Field Officer (JSFO) in the 1st respondent plantation. Whiles, he was placed under suspension by an order dated 03.06.1996 and a show cause notice dated 04.06.1996 was issued alleging that on 01.06.1996, he had threatened Section Officer, who is also the Acting Superintendent of the estate with dire consequences if the deduction made from my salary is not refunded. He had submitted the explanation dated 07.06.1996 denying the charges. Without conducting proper enquiry, he was dismissed from service on 15.02.1997. As against the order of dismissal, he raised an



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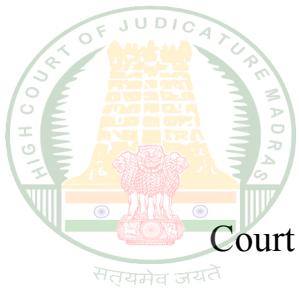
industrial dispute in I.D.No.513 of 1999 on the file of the 2nd respondent.

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The Labour Court passed an award directing the 1st respondent to pay a sum of Rs.40,000/- as compensation to the petitioner, if the petitioner hands over the vacant quarters and the land belonging to the 1st respondent, within three months. Aggrieved by the same, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner, on instructions, submitted that, during the pendency of the writ petition, the quarters was damaged, thereby the petitioner had vacated the same and residing along with his son. Further, he submitted that, though at the age of 54 years, the petitioner had filed the present writ petition, however, now, the petitioner has crossed the age of superannuation. He further submitted that, earlier the Labour Court had fixed a sum of Rs.40,000/- as compensation in favour of the petitioner on 20.10.2010. Hence, he submitted that this Court may fix a reasonable compensation in favour of the petitioner.

4. Per contra, learned counsel for the 1st respondent submitted that for proven mis-conduct, a charge memo was issued to the petitioner. After obtaining an explanation and conducting a proper enquiry, he was removed from service. This issue was rightly appreciated by the Labour



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Court and ordered a sum of Rs.40,000/- as compensation, which does not require any interference. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the 1st respondent and perused the materials available on record.

6. Admittedly, the petitioner was dismissed from service after conducting proper enquiry on 15.02.1997, against which, an Industrial Dispute was raised before the 2nd respondent/Labour Court and the Labour Court ordered a sum of Rs.40,000/- as compensation and directed the petitioner to vacate the quarters as well as the land occupied by him.

7. A perusal of the Award reveals that the petitioner rendered the service to the 1st respondent only on contractual basis and at the relevant point of time, the petitioner was residing continuously in the quarters belonging to the 1st respondent without paying any rent and is in occupation of the land belonging to the 1st respondent. At that point of time, the management of the 1st respondent is not in existence, thereby, the Labour Court ordered for payment of Rs.40,000/- as compensation to



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the petitioner, since the reinstatement of the petitioner under the 1st respondent is not possible, which does not require any interference.

8. In view of the submissions made by the learned counsel for the petitioner and considering the fact that, in the year 2010, the Labour Court ordered a sum of Rs.40,000/- as compensation in favour of the petitioner, however, after a lapse of 15 years, the same compensation cannot be fixed by this Court. Hence, this Court is inclined to fix a fair compensation.

9. Accordingly, the 1st respondent is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as lumpsum one time compensation to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order, failing which, the 1st respondent would be liable to pay interest at the rate of 7.5% p.a., from the date of writ petition till the date of actual payment. Upon receipt of the compensation, the petitioner is directed to hand over the vacant quarters and the land belonging to the 1st respondent, if not, already handed over.



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M.DHANDAPANI, J.

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

05.02.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

The Presiding Officer,
Labour Court,
Coimbatore.

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