



WEB COPY



W.P.No.10911 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10911 of 2015

And

M.P.No.2 of 2015

The Management,
Viswanathan and Co.,
Represented by its Director
V.Ravi

... Petitioner

Vs.

1.C.Samanthagamani

2.The Principal Labour Court,
Vellore,
Vellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the second respondent, Principal Labour Court, Vellore in I.D.No.73 of 2012 and to quash the award dated 27.11.2014 made therein.

For Petitioner : Ms.R.S.Lakshmi Priya
for M/s.T.M.Hariharan

For Respondents : Ms.V.Porkodi for R1



W.P.No.10911 of 2015

R2 – Court

WEB COPY

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the second respondent in I.D.No.73 of 2012 and to quash the award dated 27.11.2014.

2.The learned counsel appearing for the petitioner submitted that the first respondent, labourer employed in the petitioner company was assigned work in pre-fitting section. On 13.08.2010, she assaulted her co-worker and did not report for work on 14.08.2010 and 16.08.2010 and hence, she was placed under suspension on 17.08.2010 and after enquiry, she was terminated from service vide order dated 05.05.2011. Thereafter, she raised industrial dispute under Section 2-A(2) of the I.D.Act in I.D.No.73 of 2012 before the second respondent and the second respondent passed the impugned order directing the petitioner to reinstate the first respondent in service with backwages, continuity in service and all other attender benefits.

3.The learned counsel appearing for the petitioner further submitted that the first respondent attacked M.W.1 and M.W.2 and



W.P.No.10911 of 2015

WEB COPY

also threatened them and the Management with dire consequences, thereby disciplinary proceedings was initiated against her and enquiry was conducted and she did not participate in the enquiry and in view of all the above, the order of termination was issued to her. In order to prove the same, the petitioner examined M.W.1 and M.W.2 and also marked exhibits, Ex.M1 to Ex.M13, however, the second respondent without considering the same, ordered for reinstatement, which is not sustainable one. The learned counsel further submitted that the petitioner paid 50% of wages under Section 17 B of the I.D.Act to the first respondent upto February, 2020 and further submitted that the first respondent attained the age of superannuation during November, 2019 and hence there is no possibility of reinstatement.

4.The learned counsel appearing for the first respondent submitted that this Court may fix a reasonable compensation in lieu of reinstatement.

5.Heard the arguments advanced on either side and perused the materials available on record.



W.P.No.10911 of 2015

WEB COPY

6. Admittedly, the first respondent, labourer employed in the petitioner company was placed under suspension on 17.08.2010 and after enquiry, she was terminated from service vide order dated 05.05.2011. Thereafter, she raised industrial dispute in I.D.No.73 of 2012 before the second respondent and the second respondent after adjudication passed the impugned order directing the petitioner to reinstate the first respondent in service with backwages, continuity in service and all other attendant benefits, which warrants no interference.

7. However, during the pendency of this writ petition, the first respondent has reached the age of superannuation and now reinstatement is not possible. Hence, this Court is of the opinion that a sum of Rs.1 Lakh would be a justifiable compensation to the first respondent and the amount already paid to the first respondent need not be recovered.

8. The petitioner Management is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) in full quit, as lumpsum one time compensation in lieu of reinstatement, to the first respondent, within a period of eight weeks from the date of receipt of a copy of this



W.P.No.10911 of 2015

WEB COPY

order, failing which, the petitioner Management 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. The amount already paid by the petitioner to the first respondent need not be recovered from the first respondent.

9.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

17.03.2025

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Principal Labour Court,
Vellore,
Vellore District.



WEB COPY



W.P.No.10911 of 2015

M.DHANDAPANI,J.
pri

W.P.No.10911 of 2015
And
M.P.No.2 of 2015

17.03.2025