



W.P.No.12261 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.12261 of 2013

A.Arulprakasam

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Pondicherry.
2. Holy Redeemers Finance Corporation,
Villa Redemptoris Mater,
6, Dumas Street, Pondicherry,

Now Located at:

115, Needaraja Payer Street,
Puducherry – 605 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the award dated 15.06.2012 in I.D.No.17 of 2008, quash the same and direct the 2nd respondent to reinstate the petitioner in service with continuity of service, full backwages and all consequent and attendant benefits.



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For Petitioner : Ms.Ramapriya Gopalakrishnan

For Respondents : Ms.G.Lavanya
for M/s.T.Saikrishnan, for R2
R1 – Court

ORDER

This Writ Petition has been filed by the petitioner seeking quashment of the award of the 1st respondent dated 15.06.2012 made in I.D.No.17 of 2008 and for a consequential direction to the 2nd respondent to reinstate the petitioner in service with continuity of service, full backwages and all consequent and attendant benefits.

2. The case of the petitioner/workman is that, he joined the service of the 2nd respondent organization as a Clerk in the year 1985 and was subsequently promoted to the post of Senior Assistant-II. While so, on 23.08.1993, the 2nd respondent management issued a charge memo against the petitioner without any proper reason, which is nothing but an act of victimisation, since the petitioner took initiatives and formed a trade union in order to protect and safeguard the rights of the workers and became its Vice President. Though the petitioner submitted a detailed reply to the said charge memo, without considering the same,



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enquiry proceedings were initiated as against the petitioner and as the charges were held to be proved, on 20.07.1994, the petitioner was dismissed from the service of the 2nd respondent. Thereafter, conciliation proceedings were initiated and as the same did not result in any settlement between the parties, a failure report was submitted by the Conciliation Officer. Even then, since the Joint Secretary, Labour Department, Government of Puducherry refused to refer the dispute for adjudication, the petitioner filed a Writ Petition in W.P.No.14094 of 1995 and the same was allowed by this Court. Pursuant to the same, the matter was taken up for adjudication in I.D.No.17 of 2008. However, the 1st respondent, without considering any of the above said facts, dismissed the same, vide impugned award dated 15.06.2012. Challenging the same, the petitioner has filed the present Writ Petition.

3. Learned counsel for the petitioner submitted that the order of the Labour Court is perverse and unreasonable, as it did not consider any of the materials placed by the petitioner before it and without considering the same in proper perspective, the dispute was dismissed. Accordingly, she prayed for appropriate orders.



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4. Countering the above stand, the learned counsel appearing on behalf of the 2nd respondent submitted that, the Labour Court, considering all the materials in proper perspective has passed the said order, which is a speaking and reasonable order and the same does not require any interference at the hands of this Court.

5. Heard learned counsel on either side and perused the materials available on record.

6. When the matter was taken up for hearing, this Court, considering the issue involved and the passage of time from the date on which the workman was dismissed from service, as more than three decades have passed since the order of dismissal, had suggested that the matter may be settled by the parties by paying a consolidated amount, as no useful purpose would be served in continuing the litigation, as by now the workman would have crossed the age of superannuation and he having not been in service, on the basis of no work no pay would not be entitled for backwages and cannot also be reinstated in view of his age of superannuation and all through these years, the workman would not have



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7. Though consent has not been given by the parties, however, this Court, sitting under Article 226 of the Constitution, is required to render substantial justice and in view of the facts narrated above and the sequence of events that have passed through the three decades, when the parties have been fighting out their rights before the judicial forum, this Court, in exercise of its powers if inclined to direct the 2nd respondent Management to pay a lumpsum towards full quit as settlement.

8. Accordingly, this Court without interfering with the order of the Labour Court dated 15.06.2012 made in I.D.No.17 of 2008, directs the 2nd respondent-management to pay a sum of Rs.1,00,000/-(Rupees One Lakh only) as settlement, in full quit in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order.



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9. With the above observations and directions, this Writ Petition stands disposed of. No costs.

19.02.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

The Presiding Officer,
Labour Court,
Pondicherry.



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M.DHANDAPANI, J.

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