



W.P.No.2603 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.2603 of 2020 and
W.M.P.No.3024 of 2020**

M/s.Easun-MR Tap Changers (P) Ltd.,
No.20/2 & 20/5,
Perumal Koil Street,
Thirubuvanai,
Puducherry-605 107.

... Petitioner

Vs.

A.Dhanapathy

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the ex-parte award passed in I.D.No.28 of 2013 dated 27.01.2017 on the file of the Presiding Officer, the Industrial Tribunal cum Labour Court, Puducherry, and quash the same and direct the Presiding Officer, the Industrial Tribunal cum Labour Court, Puducherry, to dispose of I.D.No.28 of 2013 on merits in accordance with law.



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For Petitioner : Mr.Srinivasamoorthy
for M/s.M.Jaikanth

For Respondents : Mr.R.Ganesh

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the *ex-parte* award dated 27.01.2017 passed in I.D.No.28 of 2013 on the file of the Presiding Officer, the Industrial Tribunal cum Labour Court, Puducherry, quash the same and direct the Presiding Officer, the Industrial Tribunal cum Labour Court, Puducherry, to dispose of I.D.No.28 of 2013 on merits and in accordance with law.

2. The case of the petitioner/management is that, the petitioner Management engaged workers from one Servocraft HR Solutions Private Limited which is a licensed contractor working for several persons like the petitioner and there is no employer-employee relationship between the petitioner and the respondent and the salary was deposited in the name of Servocraft HR Solution Private Limited for the period worked by the



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respondent. While so, the respondent raised I.D.No.28 of 2013 before the Labour Court stating that he was an employee of the petitioner Management and worked from 13.10.2011 to 31.10.2012, wherein, the petitioner filed counter and when the case was posted for cross examination, the counsel who appeared for the petitioner Management failed to represent the case and thereby, the ex-parte award was passed by the Labour Court, vide impugned award dated 27.01.2017, wherein, the Labour Court held that the respondent was entitled for reinstatement with continuity of service and 30% of backwages till his reinstatement. Challenging the same, the present writ petition has been filed.

3. When the matter is taken up for hearing today, learned counsel appearing for the petitioner Management submitted that the petitioner Management has agreed to pay a sum of Rs.2,00,000/- as compensation, in full quit, to the respondent/workman, within a reasonable time that may be fixed by this Court.



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4. The learned counsel appearing for the respondent, on instructions, submits that the respondent is ready to receive a sum of Rs.2,00,000/- as offered by the petitioner Management.

5. In view of the submission made by the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent, this Court modifies the impugned award passed by the Labour Court as follows :-

(i) the petitioner Management is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only), as compensation, in full quit, to the credit of I.D.No.28 of 2013 on the file of the Industrial Tribunal cum Labour Court, Puducherry, within a period of eight (4) weeks from the date of receipt of a copy of this order. On such deposit, the respondent is permitted to withdraw the compensation by filing appropriate application before the Labour Court.

6. With the above modification, this Writ Petition is disposed of. No



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costs. Consequently, the connected writ miscellaneous petition is closed.

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19.03.2025
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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Presiding Officer,
The Industrial Tribunal cum Labour Court, Puducherry,



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M.DHANDAPANI,J.

ssb

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