



W.P.Nos.14790 & 10699 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.02.2025**

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

**W.P.Nos.14790 & 10699 of 2011**

**and**

**M.P.No.1 of 2011**

W.P.No.14790 of 2011

The Management of Hotel Maris,  
No.11, Cathedral Road,  
Chennai – 600 086.

... Petitioner

Vs.

1.Presiding Officer,  
3<sup>rd</sup> Additional Labour Court,  
Chennai.

2.M.Sivakumar

... Respondents

W.P.No.10699 of 2011

M.Sivakumar

... Petitioner

Vs.

1.The Presiding Officer,  
III Additional Labour Court,  
Chennai.

2.The Management,  
Hotel Maris,  
No.11, Cathedral Road,  
Chennai – 600 086.

... Respondents



W.P.Nos.14790 & 10699 of 2011

**Prayer in W.P.No.14790 of 2011 :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the Award passed by the 1<sup>st</sup> respondent in I.D.No.264 of 2006 dated 09.12.2010 in so far directing the petitioner management to pay a sum of Rs.15,000/- as compensation to the 2<sup>nd</sup> respondent and quash the same.

**Prayer in W.P.No.10699 of 2011 :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the concerned records from the 1<sup>st</sup> respondent, quash the award passed by the 1<sup>st</sup> respondent Labour Court in I.D.No.264 of 2006 dated 09.12.2010 and consequently, direct the 2<sup>nd</sup> respondent to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

**W.P.No.14790 of 2011**

For Petitioner : Mr.R.Parthiban  
For Respondents : Labour Court [R1]  
Mr.Balan Haridas [R2]

**W.P.No.10699 of 2011**

For Petitioner : Mr.Balan Haridas  
For Respondents : Labour Court [R1]  
Mr.R.Parthiban [R2]

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### **COMMON ORDER**

**WEB COPY** Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by way of this common order.

2. For brevity, the petitioner in W.P.No.14790 of 2011 is hereinafter referred to as management and the petitioner in W.P.No.10699 of 2011 is hereinafter referred to as workman.

3. The workman joined the services of the management as a Supplier in the year 1991 and he had rendered 24 years of unblemished record of service. Whiles, for the reason that the workman had taken a cup of coffee from the kitchen on account of a customer, who has allegedly staying in the hotel, he was suspended on 25.11.2004 and a charge memo was issued. After conducting departmental enquiry, he was dismissed from service on 14.12.2005, against which, the workman raised an industrial dispute in I.D.No.264 of 2006 and the Labour Court dismissed the I.D. vide Award dated 09.12.2010, directing the management to pay a sum of Rs.15,000/- as compensation to the



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workman. Challenging the same, both the management as well as the workman have filed the present writ petitions before this Court.

4. Learned counsel appearing for the workman submitted that, even a bare perusal of Ex.M.7, which was marked before the Enquiry Officer as well as the Labour Court, reveals that the total bill amount is Rs.2,613/- and if Rs.12/- towards coffee is deducted from the bill amount, the bill amount will be Rs.2,601/-, whereas, the net amount mentioned in the bill after deducting the amount for coffee is Rs.2,611/-, which itself shows that a bogus bill was prepared by the management in order to victimize the workman, since he is in active participation of the activities of the Union. Since the workman reached the age of superannuation, there is no possibility of reinstatement and hence, he submitted that this Court may mould the relief in favour of the workman.

5. Learned counsel appearing for the management submitted that, once the Labour Court came to a conclusion that the non-employment of the workman was justified and there is no jurisdiction for the Labour court to move forward and consider the question about the adequacy of punishment imposed. Such being the legal position, the Labour Court



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directing the management to pay a sum of Rs.15,000/- on the ground of mercy is beyond its jurisdiction and is liable to be set aside.

6. Heard the learned counsel appearing for the workman as well as the management and also perused the materials available on record.

7. Admittedly, the workman was dismissed from service after conducting proper enquiry, against which, the workman had raised an Industrial Dispute before the Labour Court and the Labour Court dismissed the dispute, ordering a sum of Rs.15,000/- as compensation in favour of the workman.

8. Based on the oral and documentary evidence adduced by the parties, the Labour Court had arrived at a conclusion that the charges framed against the workman was proved and since the management has lost confidence on the workman, ordering reinstatement in favour of the workman is not fair. However, considering the fact that the workman was dismissed from service, the Labour Court ordered a sum of Rs.15,000/- as compensation in favour of the workman, since there is no possibility of reinstatement, which cannot be said to be perverse.



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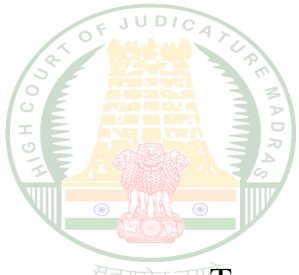
**WEB COPY** 9. In the year 2010, the Labour Court ordered a sum of Rs.15,000/- as compensation in favour of the workman, however, after a lapse of 15 years, the same compensation cannot be ordered by this Court. Hence, this Court is inclined to fix a fair compensation in favour of the workman.

10. Accordingly, the management is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) which includes gratuity, as compensation, in full quit, to the workman, within a period of four (4) weeks from the date of receipt of a copy of this order.

11. With the above observations and directions, these Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**06.02.2025**

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



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To  
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The Presiding Officer,  
III Additional Labour Court,  
Chennai.



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**M.DHANDAPANI, J.**

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**06.02.2025**