



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.17230 and 22072 of 2010
and M.P.Nos.2 to 7 of 2010**

Prayer in W.P.No.17230 of 2010

The Management of
Everest Industries Limited,
Podanur, Coimbatore-641 023,
Rep.by its General Manager-works.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.B.Umesh

3.M.Kabeer Ali

4.A.Zahir Hussain

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, to call for the records of the first



WEB COPY

respondent in I.D.Nos.491, 492 and 493 of 2002 and quash its common award dated 17.12.2009.

For Petitioner : Mr.Anand Gopalan
for M/s.Agam Legal

For Respondents : R1-Court
Ms.V.Porkodi
for R2 to R4

Prayer in W.P.No.22072 of 2010

1.B.Umesh

2.M.Kabeer Ali

3.A.Zahir Hussain ... Petitioners

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.The Management of
Everest Industries Limited,
Podanur, Coimbatore-641 023,
Rep.by its General Manager-Works.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the common award dated 17.12.2009 passed by the first



WEB COPY

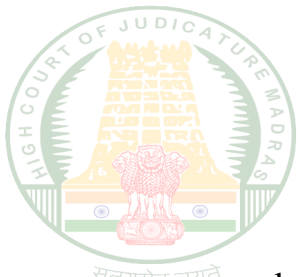
respondent in I.D.Nos.491, 492 and 493 of 2002, quash the same insofar as not directing the payment of full backwages to the petitioners from the date of termination and also not granting other attendant benefits and consequently, direct the second respondent to pay them full backwages at the actual rate of wages from the date of termination to the date of award and all other attendant benefits, after adjusting the amounts already directed to be paid towards backwages, award costs.

For Petitioner : Mrs.V.Porkodi
For Respondents : R1-Court
Mr.Anand Gopalan
for M/s.AGAM Legal for R2

COMMON ORDER

There are two writ petitions filed against the common award passed by the Labour Court in I.D.Nos.491 to 493 of 2002 dated 17.12.2009.

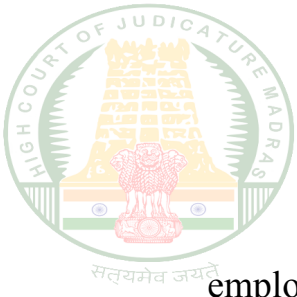
2. For the sake of brevity, the petitioner in W.P.No.17230 of 2010/ the second respondent in W.P.No.22072 of 2010 is referred to as the Management and the respondent Nos.2 to 4 in W.P.No.17230 of 2010 /petitioner Nos.1 to 3 in W.P.No.22072 of 2010 are referred to as the



employees.
WEB COPY

3. W.P.No.17230 of 2010 has been filed by the Management and W.P.Nos.22072 of 2010 has been filed by the terminated employees (3 in number).

4. The facts in nutshell are that the Industrial Disputes were raised by the terminated employees praying for reinstatement in service with continuity of service and backwages, claiming that they had worked for more than 480 days in a period of consecutive 2 years. The Union presented a petition before the Deputy Chief Inspector of Factories seeking the relief of permanent status in employment under the Tamil Nadu Industrial Establishments (Conferment of Permanent status) Act, 1981, challenging the oral termination of the employees. The matter was referred to the Conciliation and since the conciliation failed, the Industrial Disputes were filed. The Labour Court, upon considering the oral and documentary evidence, passed an award directing the Management to reinstate the



WEB COPY

employees with backwages. Challenging the said reinstatement, the Management has filed W.P.No.17230 of 2010, whereas, the employees has filed W.P.No.22072 of 2010 challenging the common award on the ground of reduce the rate of backwages without considering the actual date of employment and termination.

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

6. The facts are not in dispute. During the pendency of these writ petitions, out of 52 employees, 49 employees were settled by paying compensation to the tune of Rs.2,70,000/- in the year 2007 in lieu of reinstatement and the remaining are the petitioners in W.P.No.22072 of 2010. Considering the fact that the similarly placed persons were paid compensation in lieu of reinstatement, it will be just and proper if the petitioners in W.P.No.22072 of 2010, are adequately compensated. This Court, while expressing no view as against the correctness or otherwise of



WEB COPY

the award at this length of time, in order to strike a balance between the parties, is inclined to dispose of these writ petitions by directing the Management to pay a lumpsum compensation of Rs.8,00,000/- to each of the employees within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

06.02.2025

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

To
The Presiding Officer,
Labour Court,
Coimbatore.



WEB COPY



M.DHANDAPANI, J.

ssb

W.P.Nos.17230 and 22072 of 2010

06.02.2025