



W.P.No.18878 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

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

W.P.No.18878 of 2013

R.Sekar

...Petitioner

Vs.

1. The Factory Manager (Management)
Spartek Ceramics (India) Ltd.,
Gudappakkam Village, Puduchatram (Post),
Thiruvallur District.

2. The Presiding Officer,
II Addl. Labour Court,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent relating to the award dated 28.06.2011 passed in I.D.No.67/2004 and quash the award in respect of compensation and to direct the 1st respondent to pay sum of Rs.3,50,000/- (Rupees three lakhs and fifty thousand only) as compensation to the petitioner.

For Petitioner : Mr.T.P.Sekar

For Respondents : R1 – Notice Not Ready
R2 – Court



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ORDER

WEB COPY This Writ Petition has been filed seeking quashment of the award passed by the 2nd respondent in I.D.No.67 of 2004 dated 28.06.2011 in respect of compensation alone and to consequently, direct the 1st respondent to pay a sum of Rs.3,50,000/- as compensation to the petitioner.

2. The case of the petitioner/workman is that, he was working as a Fork Lift driver in the 1st respondent management from 25.04.1992. While so, as the petitioner was involved in union activities for the welfare of the employees, alleging that the petitioner had stolen rods, Jockey and ropes from another lorry, the 1st respondent terminated the services of the petitioner, vide order dated 02.01.2003, which is nothing but a clear act of victimisation. Thereby, challenging the said order of termination, the petitioner raised a dispute in I.D.No.67 of 2004 before the 2nd respondent, who in turn, though held that the domestic enquiry was not conducted in a fair and proper manner, instead of ordering for reinstatement, had ordered for a very meagre compensation of Rs.30,000/- in favour of the petitioner. Challenging the same, the petitioner has come up with this Writ petition.



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WEB COPY 3. Heard learned counsel on either side and perused the materials available on record.

4. On a perusal of the material documents placed on record particularly the impugned award, it is evident that, the 1st respondent preferred a police complaint as against the petitioner on the ground that the petitioner had committed theft. The petitioner pleaded with the 1st respondent management that he would resign and leave the organisation and that the management need not press the police complaint and accordingly, he gave his resignation and left the services of the 1st respondent management. Later, the petitioner raised the present dispute stating that he was illegally removed from service without any notice and against the principles of natural justice.

5. Before the Labour Court, MW1, the Management side witness, has categorically stated that the petitioner stole iron rods, Jockey and ropes from another stationery lorry. Immediately after filing of police complaint by the 1st respondent management as against the petitioner, the petitioner pleaded with the 1st respondent not to press the complaint and



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it is the petitioner who offered to resign and leave the job, which was also accepted by the management and thereby, the petitioner resigned his job.

6. Though the police complaint was made, fate of the said complaint is not known. It can be safely concluded that no FIR was registered on the same. The management witness MW1 has also admitted that the factory is no longer in existence and it was closed long back. The Labour court found that the 1st respondent management has not conducted a proper domestic enquiry and held that the removal of the petitioner from service was bad in law. However, considering the fact that the factory was no longer in existence, awarded compensation of Rs.30,000/- in favour of the petitioner, since order of reinstatement cannot be passed.

7. This Court on a reading of the impugned award of the Labour Court, is of the view that, the tribunal on proper analysis of both oral and documentary evidence placed before it and also considering the fact that the petitioner, just wanted to escape the police action and that, the offer came from the petitioner's side and not from the 1st respondent-



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management, and that the 1st respondent factory itself is closed now, had passed the present impugned award of compensation and the same needs no interference or any further enhancement.

8. The 1st respondent is directed to honour the impugned award of compensation dated 28.06.2011 passed by the labour court in I.D.No.67 of 2004 within a period of four weeks from the date of receipt of a copy of this order.

9. For the reasons aforesaid, this Writ Petition stands dismissed.

No costs.

19.02.2025

skt

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

To

The Presiding Officer,
II Addl. Labour Court,
Chennai.



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M.DHANDAPANI, J.

skt

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