



W.P.No.29023 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.29023 of 2010

and

M.P.No.1 of 2010

The Management,
Sindhoori Hotel,
No.24, Greams Lane, Greams Road,
Chennai – 600 006,
Rep. by its Director,
Mrs.Sunitha Reddy

... Petitioner

Vs.

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

2.S.Muthukumaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent in I.D.No.212 of 1998 and quash its award dated 31.08.2010.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

For Respondents : Labour Court [R1]
Mr.S.Ravi[R2]



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ORDER

WEB COPY This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records of the first respondent in I.D.No.212 of 1998 and quash its award dated 31.08.2010.

2. The case of the petitioner/management is that, the 2nd respondent was engaged as a Mason and on 24.11.1997, he sent a letter alleging that when he reported for work on 24.11.1997, he was denied work and no reasons were given and the petitioner sent a reply dated 28.11.1997 stating that the 2nd respondent was engaged in Civil Maintenance Department for attending civil project work and mainly the project will be for continuous period, there were occasions when there may be gap between one project and another and in that context, his services would not have been utilized after 24.11.1997 and as there was scope to engage the services, the 2nd respondent was advised to contact the Civil Supervisor for allocation of work. However, without responding to the same, the 2nd respondent sent another letter dated 01.12.1997 reiterating his earlier stand and the petitioner sent a reply dated 19.12.1997 advising him not to make unnecessary allegations and directing him to first to report for work. Whilesso, the 2nd respondent raised a dispute in



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I.D.No.212 of 1998 before the 1st respondent and by award dated 31.08.2010, the 1st respondent held that the failure of the petitioner to produce records in terms of order passed by the 1st respondent in I.A.No.77 of 2009 was with a view to conceal the fact that the 2nd respondent worked for 240 days, which would imply that he was a permanent employee, that the stand of the petitioner that it was ready to provide work to the 2nd respondent was not acceptable due to lack of evidence, that it was clear that in spite of the 2nd respondent repeated requests, the petitioner denied employment to him, that there was no proof to show the closure of the hotel, that there was no information as to how the employees of the hotel were settled, that there is no proof to show the petitioner had offered employment to the 2nd respondent during conciliation, that the case of the 2nd respondent stand proved, that the evidence of the petitioner was not satisfactory and that therefore, the petitioner should reinstate the 2nd respondent in service with backwages, continuity of service and other benefits. 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 management submitted that challenging the award



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passed by the Labour Court in respect of similarly situated persons, the petitioner management has given a sum of Rs.2,00,000/- since they opted for going out of the employment, whereas, the 2nd respondent/workman was reinstated into service from the year 2010 and he is still working with the petitioner, thereby, he submitted that, this Court may fix a reasonable compensation in lieu of backwages in favour of the 2nd respondent/workman and the same will be paid by the management within a reasonable time that may be fixed by this Court.

4. Learned counsel appearing for the 2nd respondent/workman, on instructions, submitted that, this Court may fix a sum of Rs.80,000/- as compensation to the 2nd respondent/workman.

5. In view of the fair submission made by the learned counsel appearing for the parties, this Court, without interfering with the order impugned, directs the petitioner/management to pay a sum of Rs.80,000/- (Rupees Eighty Thousand only) as compensation in lieu of backwages to the 2nd respondent/workman, in full quit, within a period of four (4) weeks from the date of receipt of a copy of this order.



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WEB COPY 6. With the above direction, this Writ Petition is disposed of. No costs.

04.02.2025

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

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



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M.DHANDAPANI, J.

sp

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