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W.P.No.9668 of 2010

M.DHANDAPANI, J.

This writ petition is listed today under the caption for "being mentioned" at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court that while the writ petition was disposed of on 19.03.2025 directing the petitioner to deposit a sum of Rs.5 lakhs along with interest at 9% p.a. As compensation to the workmen, however, no default clause has been incorporated and, therefore, it is prayed that necessary modification may be made in Para -6 of the said order.

3. This Court perused the order dated 19.03.2025, more particularly, para-6 and finds that no default clause has been incorporated. In such view of the matter, para-6 of the order dated 19.03.2025 stands substituted with the following paragraph:-

" 6. The writ petition is pending before this Court for 15 years. After a lapse of 15 years, ordering reinstatement of the workman would not arise as the workman has crossed the age of superannuation. Further, the petitioner's factory has also incurred huge loss. Considering the fact and circumstances of the case and in



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order to strike a balance between the interest of either parties and to give a quietus to the lis, this Court is inclined to award a sum of Rs.5,00,000/- along with 9% interest p.a. From the date of award till date of settlement as compensation in full quit to the workman. The petitioner is directed to deposit compensation amount along with interest, as aforesaid to the credit of ID No.56 of 2005 on the file of the Labour Court, Salem within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the workmen is permitted to withdraw the said amount in full. In case the petitioner fails to deposit the amount along with interest, this writ petition will stand automatically without further reference to this Court and the workmen would be at liberty to proceed to realise the benefit, which has been granted to him in C.P.no.180 of 2024 in accordance with law."

4. Registry is directed to carry out the aforesaid correction and issue fresh order copy to the parties.

14.07.2025

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M.DHANDAPANI, J.

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W.P.no.9668 of 2010

14.07.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.9668 of 2010

The Management of
Dharmapuri paper Mills Private Ltd.,
Kelavalli, Kambainallur,
Harur Taluk
Dharmapuri District.

...

Petitioner

Vs

1. The Presiding Officer,
Labour Court, Salem.

2. P.Alagudurai

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records from the file of the first respondent herein in ID. No.56/2005 on its file and to quash the award dated 23.11.2009 passed by the first respondent herein.

For Petitioner : Mr.Anand Gopalan

For AGAM Legal

For Respondent : Mr.K.V.Shanmuganathan R2
R1 – Court

ORDER

This petition has been filed seeking to quash the order passed by the first respondent herein in ID. No.56/2005 on its file and to quash the



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award dated 23.11.2009.

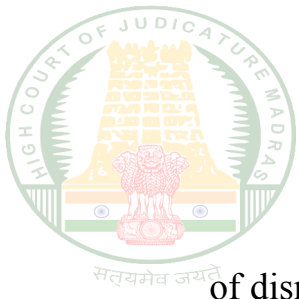
2. It is the case of the second respondent that the second respondent/workman has entered into service as Security in the year 1989 and he was regularised in the year 1996. The second respondent was issued charge sheet for the following misconduct:

(i) On 21.01.2004, the second respondent has asked leave to his higher official. However, they rejected his leave. Hence, he had fully drunken state and quarrelled with the Officer.

(ii) On 22.04.2004, the second respondent has prevented the other workmen who were coming for B Shift and also entered into the factory premises and prevented the workers from doing their work.

(iii) on 23.04.2004, the second respondent prevented the lorry bringing the raw materials.

After conducting due procedures, the second respondent was terminated from service. Challenging the order of dismissal, the workmen has raised an Industrial Dispute before the Labour Court. The Labour court vide its order dated 23.11.2009 allowed the petition and set aside the order



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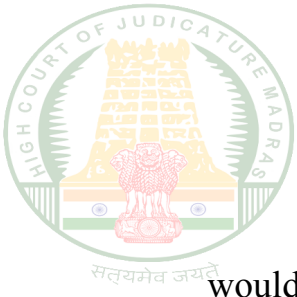
of dismissal. Challenging the said order, the petitioner Management has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that during pendency of the writ petition, the factory was incurring huge loss. Such view of the factual position, this Court may fix the reasonable compensation to the second respondent.

4. The learned counsel for the second respondent submitted that on the earlier occasion, after dismissal of the writ petition, the second respondent has filed computation petition under Section 33(c)(2) of the ID Act in C.P.No.180/2024 for claiming Rs.30,00,000/- as compensation. Hence, this Court may fix a reasonable compensation to the workman.

5. Heard the learned counsel for the petitioner as well as the second respondent and perused the materials available on record.

6. The writ petition is pending before this Court for 15 years. Under this situation, after a lapse of 15 years, ordering reinstatement of the workman



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would not arise as the workman has crossed the age. Further, the petitioner's factory has incurred huge loss. Considering the facts and circumstances of the case and in order to strike a balance between the parties, this Court is inclined to award a sum of Rs.5,00,000/- as full and final settlement along with 9% interest. The petitioner shall deposit compensation to the workmen with 9% interest to the credit of ID No.56 of 2005 on the file of the Labour Court, Salem within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the workmen is directed to withdraw the C.P.No.180/2024 and he is entitled to withdraw the compensation.

7. With the aforesaid modification, these writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

19.03.2025

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

To

1. The Presiding Officer,
Labour Court, Salem.

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19.03.2025