



W.P.No.8396 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.8396 of 2018 and
W.M.P.No.10416 of 2018**

T.Rahman Sherif

... Petitioner

Vs.

1. The Management of Manali Petrochemicals Limited,
Ponneri High Road, Manali,
Chennai-600 068.

2.The Presiding Officer,
I Additional Labour Court,
High Court Buildings,
Chennai-600 104.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records from the file of the second respondent in I.D.No.14 of 2015 and quash the impugned award dated 22.11.2017 insofar as the second respondent has rejected the claim of the petitioner for reinstatement in service, with continuity of service, with backwages and with all other attendant and consequential benefits.



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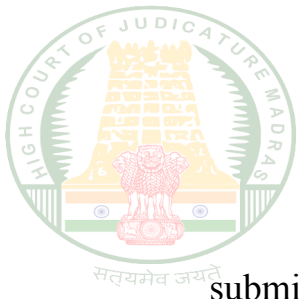
For Petitioner : Mr.K.M.Ramesh
for Mr.S.Apunu

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

ORDER

This Writ Petition has been filed challenging the award dated 22.11.2017 passed in I.D.No.14 of 2015 by the second respondent and quash the same, insofar as the second respondent has rejected the claim of the petitioner for reinstatement in service, continuity of service, backwages and all other attendant and consequential benefits.

2. The petitioner was issued with a charge memo on the charge of misconduct, for which, he has given his explanation and enquiry was conducted and the charges were proved. Pursuant to the enquiry report submitted by the Enquiry Officer, the petitioner was dismissed from service on 01.08.2012. Thereafter, the petitioner/employee raised I.D.No.14 of 2015 before the second respondent. The first respondent contested the case and



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submitted that the petitioner was repeatedly absent before the Enquiry Officer and thereafter, the Enquiry Officer recorded the evidence of the Management and completed the enquiry where it was found to be guilty of misconduct. Considering the gravity of misconduct committed by the petitioner, he was dismissed from service on 01.08.2012. The Labour Court considered the rival submissions and found that the penalty inflicted by the first respondent Management is excessive one and is not consonance with the gravity of charges and therefore, the Labour Court passed an award modifying the punishment to one of compulsory retirement from 01.08.2012 and directed the first respondent Management to disburse all terminal benefits to the petitioner. Challenging the award passed by the Labour Court, the petitioner/employee is before this Court.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and submitted that the impugned award is to be quashed, insofar as the second respondent has rejected the claim of the petitioner for reinstatement



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in service, continuity of service, backwages and all other attendant and consequential benefits.

4. The learned counsel appearing for the first respondent/employer submits that the petitioner/employee reached the age of superannuation and therefore, the question of considering him for reinstatement into service with continuity of service does not arise. That apart, the Labour Court has considered the evidence placed it and the documents placed on record and thereafter, has modified the punishment. Therefore, the impugned order has to be sustained.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

6. The award is dated 22.11.2017 and this writ petition was filed in the year 2018 and at the time of filing the petition, the petitioner was aged about 53 years. It is now submitted by the learned counsel appearing



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for the first respondent that the petitioner has reached the age of superannuation. Therefore, no purpose would be served by ordering the reinstatement of the petitioner, who has reached the age of superannuation and therefore, this Court is inclined to dispose of this writ petition by modifying the relief to be granted to the petitioner as follows:-

“ (i) The first respondent Management is directed to pay 25% backwages to the petitioner from the date of termination till the date when he attained superannuation.

(ii) The petitioner is also entitled for gratuity on the last drawn wages at the date of retirement.”

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

21.03.2025

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



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