



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-04-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos. 9525 of 2005 & 4166 of 2007

WP No. 9525 of 2005

1. M/s.Shaw Wallace And Co, Ltd.,
38, Rukmani Lakshmipathy Salai,
Egmore, Chennai-8, Rep.By Authorised
Signatory, Mr.Syed Ri

Petitioner(s)

Vs

1. The Presiding Officer
Principal Labour Court, Chennai

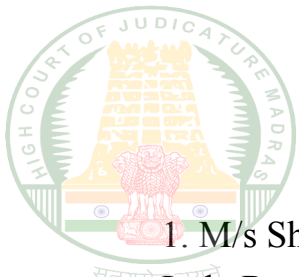
2.George Devavaram
Beetel Cottage, Mahalakshmi St,
Ganapathipuram, East Tambaram,
Chennai-59

Respondent(s)

WP No. 4166 of 2007

1. George Devavaram
Bethel Cottage, Mahalakshmi Street,
Ganapathipuram, East Thambaram,
Chennai 59

Petitioner(s)



Vs

1. M/s Shaw Wallace And Company
Ltd, Rep. By Authorised Signatory,
Mr.Syed Rizwar Ashraf, 38 Rukmani
Lakshmipathy Salai, Egmore, Chennai
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2.The Presiding Officer
Principal Labour Court, Chennai

Respondent(s)

WP No. 9525 of 2005**PRAYER**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records and quash the Award dated 19/11/04 made in I.D.423 of 1991 on the file of the first respondent Presiding Officer Principal Labour Court, Chennai

WP No. 4166 of 2007**PRAYER**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the award dated 19.11.04 passed by the second respondent in I.D.No423/91 quash the same in so far as depriving the petitioner 50% of back wages and direct the first respondent to pay the petitioner 50% of back wages for the period of his non employment in addition to the relief already granted in the award, award costs

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For Petitioner(s): M/s.S.Ravi Senior Counsel for
M/s.Gupta and Ravi

For Respondent(s): Labour Court - R1
M/s.V.Ajoy Khose For R2

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For Petitioner(s): Mr.V.Ajoy Khose

For Respondent(s): Labour Court - R2
M/s.S.Ravi Senior Counsel for
M/s.Gupta and Ravi for R1

COMMON ORDER

The petitioner in W.P.No.4166 of 2007 is the employee and the petitioner in W.P.No.9525 of 2005 is the management under which he was employed. Both the parties are aggrieved by the award passed by the Principal Labour Court, Chennai in I.D.No.423 of 1991 dated 19.11.2004. Since the issue involved in both the writ petitions arise out of the same proceedings, the writ petitions are disposed of by way of this common order.

2. For the sake of convenience, the parties are referred to as workman and management.

3. The workman was appointed in the service of the management as a Typist in the year 1973. The workman was functioning as Joint Secretary of the employees Union of the management. It is the case of the workman that though

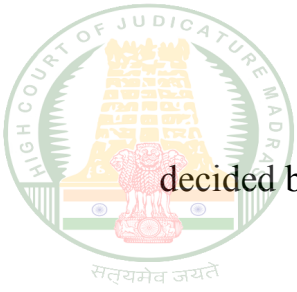


the management was earning profit, with the view to increase the profit, they introduced voluntary retirement scheme and tried to reduce the work force. The

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petitioner and his union opposed such a move of the management. It is the case of the workman that with ulterior motives, the management by order dated 15.06.1984 transferred from Chennai to Kottayam. As against the said transfer he preferred a Civil suit in O.S.No.5911 of 1984 and obtained an interim order. The management filed a miscellaneous appeal and succeeded. Aggrieved by the same, the workman preferred a Civil Revision Petition before this Court and this Court dismissed the said Revision Petition.

4. Though the workman was duty bound to join at the Kottayam, he did not join and went on unauthorised absence. Since the workman did not report for duty, the management initiated disciplinary proceedings which culminated in passing the dismissal order dated 29.04.1985. Challenging the same, the workman raised an industrial dispute. Though the said dispute was not referred to a Labour Court, the workman went up to Hon'ble Supreme Court to get it referred to Labour Court. Subsequently, the dispute was taken on file and



decided by the Labour Court, Chennai.

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5. Before the Labour Court both the parties examined one witness. On the said of workman, 22 documents were marked and on the side of management 29 documents were marked. On an analysis of entire evidence and materials placed before it, the Labour Court gave a finding that domestic enquiry was not conducted in a proper manner and therefore set aside the same. Since the workman was knocking the doors of the Hon'ble Supreme Court and he was also on medical leave, the Labour Court awarded 50% of the backwages while ordering reinstatement. Aggrieved by the said order, the workman has filed writ petition seeking 100% of back wages and the management has filed a writ petition to set aside the award passed by the Labour Court.

6. A perusal of the award passed by the Labour Court reveals that the Labour Court has given a finding that the domestic enquiry was not conducted in a proper manner and the workman was not given sufficient opportunity to establish his case. Likewise, the management has failed to get prior approval by



filing necessary petition before the Labour Court when they passed the order of dismissal. The Labour Court has also taken note of the fact that four other employees were transferred along with the workman herein. Those four employees were allowed to go on voluntary retirement. However, the management has protested only against the workman. This shows that the management not maintained the uniformity between the employees. Therefore, the order of reinstated passed by the Labour Court does not deserve any interference. Indeed the Labour Court has awarded only 50% of backwages and the same also does not need any interference by this Court.

7. However, it is seen that even in the year 2007, the workman would be around 70 years, therefore, instead of ordering reinstatement, this Court is inclined to grant a sum of Rs.5,00,000/- as final / full quit. The workman is also permitted to withdraw the amount deposited by the management as directed by this Court vide order dated 17.04.2006.

8. In addition, the management is also directed to pay gratuity to the



workman for the period between 1973 and 1985.

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9. With the above directions, the writ petitions stand disposed of. No costs.

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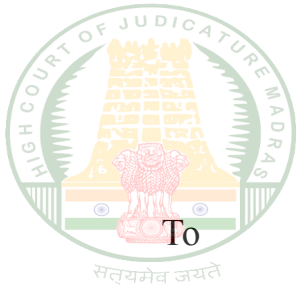
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Index: Yes/No

Speaking/Non-speaking order

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Neutral Citation: Yes/No



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M.DHANDAPANI J.

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RAP

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