



WEB COPY

WP No. 28160 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos. 28160 of 2012 & 9968 of 2013

and

M.P.No.1 of 2012

WP No. 28160 of 2012

1. The Management
M/s.Steelage Industries Ltd., (presently
Known As M/s.Gunnebo India Pvt.
Ltd.), Plot No.98-b, North Phase,
Ambattur Industrial Estate, Chennai-98.

Petitioner(s)

Vs

1. The Presiding Officer
III Additional Laboaur Court, Chennai-
104.

2.J.Sundarapandian
No.27, Annan Salai, Ambattur,
Chennai-53.

Respondent(s)

WP No. 9968 of 2013

1. J.Sundara Pandian,
No.27, Anna Street, Ram Nagar,
Ambattur, Chennai-53.

Petitioner(s)

Vs



1. The Presiding Officer,
III Additional Labour Court At
Chennai, High Court Campus,
Chennai.

2. The Management Of Steelage
Industries Ltd, Ambattur Industrial
Estate, Chennai-98.

Respondent(s)

WP No. 28160 of 2012

PRAYER

Calling for the records relating to the Award dated 01.08.2012 in I.D.No.434/2002 of the 1st respondent, quash the Award.

WP No. 9968 of 2013

PRAYER

Calling records relating to the impugned Award dated 1.8.2012 in I.D.No.434 of 2002 from the 1st respondent and quash only that portion of the award denying reinstatement and awarding compensation of Rs.2,00,000/- in lieu of reinstatement and direct the 2nd respondent to reinstate the petitioner in service with full backwages, continuity of service and other attendant service benefits, Award Cost

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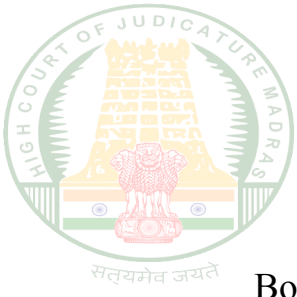
For Petitioner(s): M/s.Jayaraman And Asso.

For Respondent(s): R-1 Court
Mr. S. Ravi For R2

WP No. 9968 of 2013

For Petitioner(s): M/s.S.Ravi

For Respondent(s): R-1 Court
Mr.S.Jayaraman for R2



COMMON ORDER

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Both the writ petitions impugned the award dated 01.08.2012 in I.D.No.434 of 2002 passed by the III Additional Labour Court, Chennai.

2. W.P.No.28160 of 2012 is filed by the management aggrieved by the direction of the Labour Court to give a compensation of Rs.2,00,000/- to the workman.

3. W.P.No.9968 of 2013 is filed by the workman aggrieved by the denial of reinstatement into service with other attendant benefits.

4. Since the parties are the same and the issue involved in both the writ petitions are one and the same, both the writ petitions are disposed of by way of this common order.

5. For ease of convenience, the parties are referred to as management and workman.



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6. The workman entered into the service of the management as store officer on 01.01.1982, his job was to supply materials needed for manufacturing of goods at the factory. His duty is also involved to make arrangements for transporting of materials from the place of suppliers to the factory. Whenever, the superior officers were in need of any materials, the workman would be asked to make the materials available in the stores and send the same to factory. Whiles, the management issued a notice to the workman contending that he was not maintaining the material inventory properly and that there was a shortfall in the value of stock between April 2000 and December 2000.

7. The workman gave his reply. Not satisfied with the extension offered by the workman, the management terminated his services by order dated 19.04.2001. According to the workman, no prior notice or enquiry was held and sudden termination was nothing but retrenchment coming within the meaning of Section 2(oo) of the Industrial Disputes Act, 1947. The workman contended that he was not paid retrenchment compensation as per Section 25(F) of the Industrial Disputes Act, 1947. The workman initially filed an appeal under the



Tamil Nadu Shops and Establishment Act. The management took a preliminary objection stating that since the workman was employed in a factory, the said act would not be applicable. Therefore, the workman withdrew the appeal and preferred the instant industrial dispute.

8. The learned Tribunal on an analysis of the materials available before it, came to a conclusion that the dismissal of the workman was unjustified and set aside the same. However, instead of reinstating the workman, directed the management to pay the compensation of Rs.2,00,000/-. Aggrieved by the said order, the management is assailing the same with regard to the direction to them to pay a compensation of Rs.2,00,000/- to the workman; whereas, the workman is aggrieved by the said order on account of denial of his reinstatement.

9. Heard the learned counsel on either side in respective writ petitions and perused the materials placed on record.

10. Before the Labour Court and also this Court, the management took a



preliminary objection that the workman was doing a managerial job and he would not fall within the definition of a workman under Section 2(s) of the

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Industrial Disputes Act, 1947. The management took a stand that as per rule 14 of the rules of appointment, the management has any right to discharge the worker from service without notice or pay if service were found unsatisfactory.

11. The workman took a stand that he was only doing manual work and therefore he would fall within the definition of workman and that before his retrenchment no notice or enquiry was held and therefore the order of termination is bad in law.

12. The learned Tribunal on coming through the evidence adduced on both sides found that though the designation of the petitioner was that of store officer, he was indeed doing manual work whenever a need arose. Therefore he would fall within the definition of a workman as per Section 2(s) of the Industrial Disputes Act, 1947. The Labour Court also found that the manner in which the workman was removed from service was totally unjustified. No



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notice or enquiry was conducted by the management and all of a sudden, the order of removal from service was passed. Accordingly, the learned Tribunal set aside the order of dismissal. However, considering the fact that the relationship between the parties was strain, the Labour Court was of the view that in case the workman was reinstated into service, the atmosphere may not be conducive. Therefore, in lieu of reinstatement, the management awarded a compensation of Rs.2,00,000/-. This Court does not find any perversity in the order passed by the Labour Court. Considering, the dispute between the parties, it may not be conducive for both the parties to work together.

13. In the result, both the writ petitions are dismissed. Considering the period of service put in by the workman and also the amount awarded by compensation, this Court is of the view that interest of justice would be subserved by awarding interest.

14. Accordingly, the compensation of Rs.2,00,000/- (Rupees Two Lakhs Only) would carry an interest of 6% from the date of award till the date of



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payment. No costs. Consequently, connected miscellaneous petition is closed.

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RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.The Presiding Officer
III Additional Laboaur Court, Chennai-
104.

WP No. 9968 of 2013

To

The Presiding Officer,
III Additional Labour Court At
Chennai, High Court Campus,
Chennai.



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M.DHANDAPANI J.

RAP

**WP No. 28160 of 2012
AND WP NO. 9968 OF
2013**

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