



W.P.Nos.6877 of 2011 & 17271 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.6877 of 2011 & 17271 of 2014

and

M.P.No.1 of 2014 & WMP.No.6502 of 2017

W.P.No.6877 of 2011

D.Velamoorthy

...Petitioner

Vs.

1. The Presiding Officer,
Principal Labour Court,
Chennai.

2. The Management of
M/s.Online Enterprises,
No.20, Mooker Nalamuthu Street,
1st Floor, Chennai – 600 001.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records from the files of the 1st respondent in I.D.No.540 of 2003 and quash its impugned Award made therein dated 28.10.2010 insofar as it has denied to the petitioner back wages and other attendant benefits.



WEB COPY



W.P.Nos.6877 of 2011 & 17271 of 2014

For Petitioner : Mr.K.M.Ramesh,
Senior Counsel
for Mr.K.G.Vipra Narayanan

For R1 : Labour Court

For R2 : Mr.Manohar Gupta,
Senior Counsel
for M/s.Gupta & Ravi

W.P.No.17271 of 2014

The Management,
M/s.Online Enterprises,
C/o.Professional Couriers,
20, Mooker Nallamuthu Street,
Mannady, Chennai – 600 001.
Represented by its Manager – HR,
S.M.Siddiq

...Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

2. D.Velamurthy

3. M/s.Professional Couriers,
17, Cathedral Garden Street,
Nungambakkam, Chennai – 600 034.

...Respondents

Petition filed under Article 226 of the Constitution of India



W.P.Nos.6877 of 2011 & 17271 of 2014

to issue a Writ of Certiorari to call for the records and quash the Award dated 15.04.2014 passed in I.D.No.215 of 2011 by the 1st respondent, Presiding Officer, I Additional Labour Court, Chennai.

For Petitioner : Mr.K.M.Ramesh,
Senior Counsel
for Mr.K.G.Vipra Narayanan

For R1 : Labour Court

For R2 : Mr.Manohar Gupta,
Senior Counsel
for M/s.Gupta & Ravi

COMMON ORDER

W.P.No.6877 of 2011 is filed by the workman aggrieved by the non grant of backwages by the Labour Court.

2. W.P.No.17271 of 2014 is filed by the management against the grant of compensation of 3 lakhs to be paid to the workman. These two writ petitions are unique in nature. The workman has suffered dismissal from service twice with the same management. On both the occasions, he raised industrial disputes against his dismissal on both the occasions he succeeded before the Labour Court.

3. In W.P.No.6877 of 2011, the workman was reinstated into



W.P.Nos.6877 of 2011 & 17271 of 2014

service sans backwages. The Labour Court reasoned that the workman has filed to prove that during the period of dismissal and the conduct of industrial dispute, he was unemployed. As against the said reasoning, the workman has filed W.P.No.6877 of 2011. Armed with the award of reinstatement, the workman approached the management who is the petitioner in W.P.No.17271 of 2014 seeking employment.

4. It is the case of the workman that though he was asked to sign in attendance register he was not assigned any duty and he was merely asked to sit in a particular place. This treatment continued for a specific period. Since the workman failed, he was harassed by the management he stopped reporting to duty using that opportunity, the management again initiated disciplinary proceedings and removed the workman from service. Challenging the second dismissal, he raised another dispute and after holding that the dismissal is bad in law, the Labour Court considering the strain relationship between the parties ordered the lumpsum compensation of Rs.3 Lakhs. The said award is challenged in W.P.No.17271 of 2014.

5. Considering the nature of dispute, this Court is not inclined to go



W.P.Nos.6877 of 2011 & 17271 of 2014

in detail the arguments advanced by both sides. A bare perusal of the award shows that the management has not followed the principles of the natural justice while dismissing the workman on both the occasions. After the award passed by the Labour Court, at the initial stage namely award in I.D.No.540 of 2003 dated 28.10.2010, the management ought to have treated the workman in a humane manner and offered him his duties and responsibilities. Instead they chose to harass him mentally by not allotting any work. This certainly amounts to mental agony. Considering the attitude shown by the management and the fact that both parties are litigating ever since 2003, this Court is of the view that interest of justice would be sub-served by directing the management to pay the workman lumpsum compensation of Rs.4,00,000/- (Rupees Four Lakhs Only). It is made clear that the workman will not be entitled to any other benefits.

6. In the result both the writ petitions are disposed of. No costs.

03.02.2025

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

M.DHANDAPANI., J.



W.P.Nos.6877 of 2011 & 17271 of 2014

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To
The Presiding Officer,
Principal Labour Court,
Chennai.

W.P.Nos.6877 of 2011 & 17271 of 2014

03.02.2025