



W.P.No.2702 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.2702 of 2015

and

M.P.No.1 of 2015

The Managing Director,
Superfil Products Limited,
R.S.No.28/8-12, Mangalam Road,
Puducherry – 605 110.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Puducherry.

2.C.Swamidurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records and quash the order dated 06.08.2013 issued by the respondent in I.D.No.35 of 2012.



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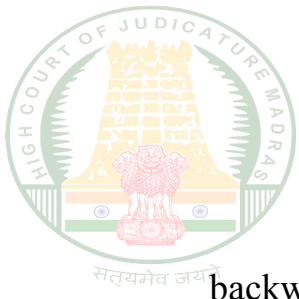
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For Petitioner : Mr.Prasad Vijayakumar
For Respondents : Mr.P.R.Thiruneelakandan
for R2
R1-Court

ORDER

This Writ Petition has been filed by the petitioner seeking to quash the order passed by the first respondent in I.D.No.35 of 2012 datd 06.08.2013.

2. The case of the petitioner management is that, the second respondent / workman was working in the petitioner Company at Puducherry as D.T.Operator in the Production Department. For the proven misconduct, the second respondent was dismissed from service on 31.01.2012, against which, the second respondent raised I.D.No.35 of 2012 before the Labour Court and the Labour Court, vide impugned order dated 06.08.2013, ordered for reinstatement with continuity of service and 50% of



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backwages and other statutory benefits. Challenging the same, the present writ petition has been filed.

3. Though very many grounds have been raised, the learned counsel for the petitioner management restricted his prayer and submitted that the petitioner management agreed to re-instate the second respondent with continuity of service without any further backwages. One Muthukumaran, who is the similarly placed person, has also raised Industrial Dispute which was ended in his favour, against which, the petitioner Management has filed W.P.No.24219 of 2014 and agreed to reinstate him with continuity of service without any backwages and this Court vide order dated 26.02.2025, ordered for reinstatement and rejected the backwages to him. He would further submit that the second respondent herein did not deny that during the pendency of the Industrial Dispute, he is not employed anywhere and therefore, 50% of backwages awarded by the Labour Court is not sustainable.



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4. The learned counsel for the second respondent submits that after proper adjudication, on the basis of the documents available before the Labour Court, the Labour Court ordered for reinstatement with continuity of service and 50% of backwages and other statutory benefits and it need not be interfered with by this Court. Hence, he prays for dismissal of this writ petition.

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

6. It is seen from the records that the second respondent was employed in the petitioner Company as D.T.Operator and during the course of employment, the second respondent committed misconduct and after conducting domestic enquiry, he was dismissed was service. Aggrieved by the same, he preferred I.D.No.35 of 2012 before the first respondent, wherein, the Labour Court ordered for reinstatement with continuity of



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service and 50% of backwages and other statutory benefits, vide impugned award dated 06.08.2013. Now, the petitioner Management is ready to reinstate the second respondent with continuity of service, without backwages, since the second respondent did not deny the fact that during the pendency of the Industrial Dispute, he was not employed anywhere as stated by the learned counsel appearing for the petitioner. However, the second respondent is not ready to give up the backwages. In view of the fact that there is no denial from the second respondent regarding his gainful employment during the period of his dismissal, in order to give quietus, this Court is inclined to pass the following order:

The petitioner Management is directed to reinstate the second respondent with continuity of service without any backwages within a period of four weeks from the date of receipt of a copy of this order.



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8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

ssb

To
The Presiding Officer,
Labour Court,
Puducherry.

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