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W.P.No.7744 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.7744 of 2019
and W.M.P.No.8387 of 2019**

The Management,
S.B.O.A.Educational Trust,
Represented by the Secretary and Correspondent,
No.18, School Salai,
Anna Nagar West Extension,
Chennai-600 101.

... Petitioner

Vs.

S.Ashok Kumar

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relevant to the judgment in I.D.No.27 of 2014 dated 05.01.2019 passed by the Principal Labour Court, Chennai and quash the same.



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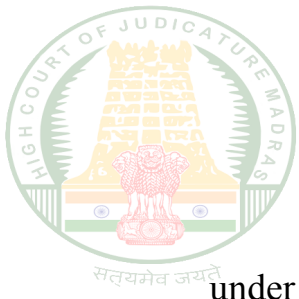
For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : Mr.K.Bharathi

ORDER

This Writ Petition has been filed challenging the order dated 05.01.2019 passed in I.D.No.27 of 2014 by the Principal Labour Court, Chennai.

2. The learned counsel appearing for the petitioner submits that the respondent was appointed as Attender in the petitioner Educational Trust and his service was regularized. He further submits that on 07.01.2013, one Immanuval Pradeep, who was attender in Bus No.10 was on leave and the petitioner Management has informed the respondent to attend the duty for helping the students along with parents. However, the respondent refused to attend the duty and therefore, the petitioner Trust has issued a charge memo to him regarding his disobedience. Thereafter, the respondent filed a petition

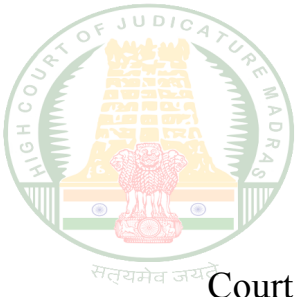


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under Section 2(A) of the Industrial Disputes Act before the Assistant Commissioner of Labour, but no outcome was arrived and therefore, failure report was submitted, based on which, the respondent has filed a petition under Section 2A(2) of the Industrial Disputes Act before the Principal Labour Court, Chennai, in I.D.No.27 of 2014 and the Labour Court, vide impugned award dated 05.01.2019, directed the petitioner to reinstate the respondent into service with continuity of service, full backwages and all other attendant benefits. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that the respondent was reinstated into service, even prior to the award passed by the Labour Court and he worked in the petitioner Trust till he attained the age of 58 years and he was peacefully retired from service. He would further submit that the present Writ Petition has been filed mainly challenging the award of reinstatement with backwages. Since he has not obeyed the order of the Higher Authority, he was not paid the backwages. However, this



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Court may mould the relief and the petitioner Trust is ready to pay a reasonable compensation as fixed by this Court.

4. The learned counsel appearing for the respondent, on instructions, submits that admittedly, the respondent was given employment even prior to the award passed by the Labour Court, however, he was paid only 1/5th of the salary by the petitioner Management and his services were not regularized properly and thereby, the respondent/workman filed computation petition claiming terminal benefits and also filed gratuity application before the Competent Authority. It is prayed by the parties that without going into the factual matrix, for non-payment of backwages, this Court may fix reasonable compensation in favour of the respondent/workman and the payment of terminal benefits and gratuity can be agitated by the respondent/workman before the appropriate Authority.



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5. Considering the stand taken by both sides and the fact that the respondent has since retired from service, this Court modifies the impugned award passed by the Labour Court as follows :-

The petitioner Management is directed to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only), as compensation, in full quit, to the respondent/workmen, towards backwages within a period of eight (4) weeks from the date of receipt of a copy of this order, without prejudice to the rights of the respondent to claim gratuity and terminal benefits before the appropriate Authority.

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

02.04.2025

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



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To

The Principal Labour Court, Chennai.



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M.DHANDAPANI, J.

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