



W.P.Nos.20524 & 27358 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM :

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

W.P.Nos.20524 & 27358 of 2016

and

WMP Nos.17603 of 2016 & 32069 of 2023

W.P.No.20524 of 2016:

The General Manager
Larsen & Toubro Ltd.,
Pondicherry Works,
Mylam Road, Sedarapet,
Pondicherry – 605 111.

...Petitioner

Vs.

1. The Presiding Officer-cum-the Learned Labour Court,
Puducherry – 605 001.

2. D.Ramesh

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari to call for the records relating to the impugned award dated 29.01.2016 passed by the 1st respondent vide I.D.(L).No.10 of 2013 on the file of the learned Labour Court, Puducherry and quash the same.



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W.P.Nos.20524 & 27358 of 2016

For Petitioner : Mr.L.Chandrakumar
for M/s.M.Vaikunth

For Respondents : R1 – Labour Court
: No Appearance, for R2

W.P.No.27358 of 2016:

D.Ramesh

...Petitioner

Vs.

1. The Presiding Officer
Labour Court-cum-Industrial Tribunal,
Puducherry – 605 001.
2. The General Manager,
Larsen and Toubro Ltd,
Pondicherry Works, Mylam Road,
Sedarapet, Puducherry – 605 111.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent pertains to the award dated 29.01.2016 made in ID.No.10 of 2013 and quash the same insofar as denial of remaining 50% of the back wages as arbitrary, illegal and consequently direct the 2nd respondent to pay the remaining 50% of the back wages to the petitioner from the date of his discharge from service i.e. on 22.11.2011.

For Petitioner : No Appearance

For Respondents : R1 – Court
: Mr.L.Chandrakumar
for M/s.M.Vaikunth, for R2



W.P.Nos.20524 & 27358 of 2016

COMMON ORDER

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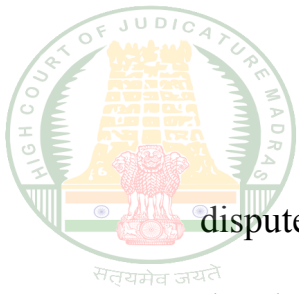
Since the issue involved in both the Writ petitions are interconnected, they are disposed of by way of this common order.

2. Challenging the award dated 29.01.2016 passed by the 1st respondent in I.D.(L).No.10 of 2013, the management as well as the workman have come up with these Writ petitions.

3. For brevity, the petitioner in W.P.No.20524 of 2016 is hereinafter referred to as the management and the petitioner in W.P.No.27358 of 2016 is hereinafter referred to as the workman.

4. The facts leading to filing of these Writ petitions are as follows:

The workman joined the services of the management as Turner on 21.11.1995 and thereafter, he was appointed as trainee, vide appointment order dated 08.07.1996 along with 30 other persons. While so, the management terminated the services of the workman and four others. Aggrieved by the same, the workman and other workers raised Industrial

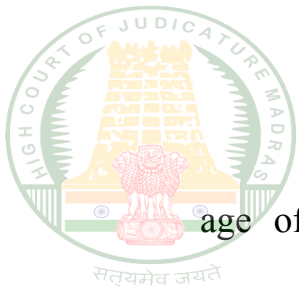


disputes in I.D.(L).Nos.54 & 59 of 2001 and the labour court, vide its order dated 31.01.2003 directed the management to reinstate the workmen back into service with 50% back wages and with continuity of service and other attendant benefits. Aggrieved by the same, the management filed W.P.Nos.11475 & 11476 of 2003 and the same was dismissed on 08.02.2011, against which, the management preferred Writ Appeals Nos.577 & 578 of 2011 and the same was dismissed on 07.04.2011. Despite the same, the workman herein was not reinstated by the management. Thereby, the workman made representations before the Commissioner of Labour-cum-Conciliation Officer (DLC) and during enquiry, the workman herein and other workers were given fresh appointment orders as probationers and as the same was objected by the workmen, though the management issued reinstatement order dated 06.08.2011 to all other workers in compliance with the order of the Labour court, however, the workman herein was issued with a fresh appointment as Probationer and directed the workman to undergo medical examination, which is not sustainable as the same is nothing but a clear act of victimization, since, the workman was a member in the Trade union namely L & T Pattali Thozhir Sangam. Thereafter, the workman was



sent to Medical test and the Doctor who had examined the workman had issued a certificate by holding that, the workman is suffering from Rheumatic Heart Disease and he is fit to do Sedentary type of work alone and not heavy work. Even after the said report/certificate, the management failed to reinstate the workman, despite the several request made by the workman and subsequently, the management, vide order dated 22.11.2011 terminated the services of the workman on the ground of continued ill health and that there is no sedentary type of work in the management. Thereby, the workman filed W.P.No.5290 of 2012 and pursuant to the direction of this Court, the workman raised a dispute in I.D.(L).No.10 of 2013 and the labour court, vide impugned award dated 29.01.2016 allowed the said dispute and ordered for reinstatement with 50% back wages along with continuity of service and other attendant benefits. Aggrieved by the same, these Writ petitions have been filed.

5. Learned counsel for the management fairly submitted that, during the pendency of this Writ petition, the unit of the management industry which was situated at Puducherry was closed and the workman had also reached the



age of superannuation and thereby, learned counsel submitted that, the management is ready to pay a sum of Rs.8,00,000/- as one time settlement as suggested by this Court.

6. Though notice was served and Mr.P.R.Thiruneelakandan, learned counsel entered appearance on behalf of the workman, when the matter was taken up for hearing, none appeared on behalf of the workman. However, considering the period of pendency of this Writ petition, this Court is inclined to dispose of this Writ petition based on the materials available on record.

7. Admittedly, the respondent was continuously fighting with the management for the past three decades and at this distant point of time, directing the management to reinstate the workman will not be possible, due to the strained relationship between the workman and management and also considering the fact that, the management's unit at Puducherry was closed, this Court is inclined to modify the award passed by the labour court in the following terms:



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“The management is directed to pay a sum of Rs.8,00,000/-
(Rupees Eight Lakhs only) as one time settlement in full quit to
the workman, within a period of four (4) weeks from the date of
a receipt of a copy of this order.”

8. With the above observations and directions, these Writ Petitions
stand disposed of. No costs. Consequently, the connected Miscellaneous
petitions are closed.

02.04.2025

skt

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

Note to office: Issue order copy on 02.05.2025.

To:

The Presiding Officer
Labour Court-cum-Industrial Tribunal,
Puducherry – 605 001.

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M.DHANDAPANI, J.

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