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W.P.No.32125 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32125 of 2015

N.Chandiramogane

... Petitioner

Vs.

1.The Managing Director
M/s.Hindustan Unilever Limited (Tea Unit)
Kiramampakkam,
Pondicherry.

2.The Presiding Officer (FAC),
Labour Court,
Pondicherry.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the file of the second respondent herein in I.D(L) No.26 of 2011 and quash the award dated 07.03.2014 passed by the second respondent herein and consequently direct the first respondent herein to reinstate the petitioner in service with all attending benefits and backwages.

For Petitioner : Mr.S.Gajendran

For Respondents : Mr.Anand Gopalan for R1
for M/s.Agam Legal
R2 – Court



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records from the file of the second respondent herein in I.D(L) No.26 of 2011 and quash the award dated 07.03.2014 passed by the second respondent herein and consequently direct the first respondent herein to reinstate the petitioner in service with all attending benefits and backwages.

2.The case of the petitioner is that the petitioner joined the service of the first respondent on 01.06.1998. On 20.01.2011, the petitioner was asked to supervise the loading of packed tea bags into transport vehicle. The petitioner after completing the said assignment at about 5.30 p.m., on 20.01.2011, was about to go home and at that time, he was called by the first respondent Management and was informed that he overloaded some items of tea boxes in the transport vehicle and was blackmailed to give voluntary resignation or else criminal complaint would be lodged against him and was forced to sign the voluntary resignation letter. Aggrieved by the same, the petitioner raised industrial dispute in I.D.(L) No.26 of 2011 before the second respondent and the second respondent dismissed the said industrial dispute. Challenging the same, the petitioner has filed this petition.



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3.The learned counsel appearing for the petitioner submitted that the petitioner's voluntary resignation was forcibly obtained by the first respondent and immediately thereafter, the petitioner raised the industrial dispute, however, the Labour Court dismissed the industrial dispute raised by the petitioner, which is not sustainable one.

4.The learned counsel appearing for the first respondent submitted that on 20.01.2011, the petitioner was given the job of supervising the loading materials into the transport vehicle, however, he overloaded some items of tea boxes in the transport vehicle, with an intention to enrich himself. The petitioner was caught red handed while attempting to steal the materials and he admitted his guilt and pleaded mercy. Since the materials were recovered and the petitioner was pleading mercy and voluntarily resigned his job, the first respondent did not lodge any police complaint. Further, R.W.1 to R.W.4 clearly gave evidence that excess materials was found while recounting and Ex.R2 is the handwritten letter given by the petitioner, wherein he has categorically admitted that he has loaded excess materials than what he was required to load in the lorry and all those facts were elaborately considered by the second respondent and the



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industrial dispute raised by the petitioner was dismissed by the second respondent, which warrants no interference.

5. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the first respondent and perused the materials available on record.

6. Admittedly, on 20.01.2011, the petitioner was asked to supervise the loading of packed tea bags into transport vehicle. The petitioner after completing the said assignment at about 5.30 p.m., on 20.01.2011, was about to go home and at that time, he was called by the first respondent Management and was informed that he overloaded some items of tea boxes in the transport vehicle.

7. The petitioner claim that he was blackmailed to give voluntary resignation or else criminal complaint would be lodged against him and was forced to sign the voluntary resignation letter. Perusal of records disclose that R.W.1 to R.W.4 gave evidence that excess materials was found while recounting and Ex.R2 is the handwritten letter given by the petitioner, wherein he has categorically admitted that he has



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loaded excess materials than what he was required to load in the lorry and all those facts were elaborately considered by the second respondent and the industrial dispute raised by the petitioner was dismissed by the second respondent, which warrants no interference.

8.The writ petition is dismissed. No costs.

07.03.2025

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

To

1.The Presiding Officer (FAC),
Labour Court,
Pondicherry.



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M.DHANDAPANI,J.
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