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W.P.Nos.31494, 31495, 31551 & 31552 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

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

W.P.Nos.31494, 31495, 31551 & 31552 of 2013

and

MP.Nos.1 of 2013(2 Nos.) & 1 to 3 of 2015(each 2 Nos.)

W.P.Nos.31494 & 31495 of 2013:

The Managing Director,
M/s.Power Soaps Limited,
R.S.No.94/1, Sembiapalayam Village,
Korkadu Post, Puducherry – 605 110.

...Petitioner in both W.P's.

Vs.

1. The Presiding Officer,
Labour Court,
Pondicherry.

...1st Respondent in both W.P's.

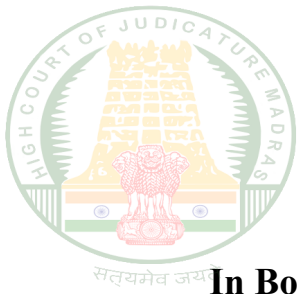
2. B.Veeralakshmi

...2nd Respondent in W.P.No.31494 of 2013

2. C.Chellakannu

...2nd Respondent in W.P.No.31495 of 2013

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the 1st respondent connected with (i) I.D.No.16 of 2012 and quash the award dated 23.07.2013 and (ii) I.D.No.12 of 2012 and quash the award dated 30.07.2013.



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In Both W.P's.:

For Petitioner : Mr.John Zachariah

For Respondents : M/s.Balan Haridas

W.P.Nos.33551 & 33552 of 2013:

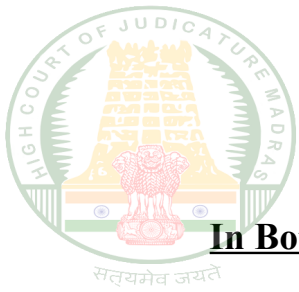
B.Veeralakshmi ...Petitioner in W.P.No.33551 of 2013

C.Chellakannu ...Petitioner in W.P.No.33552 of 2013

Vs.

1. The Presiding Officer,
Labour Court,
Puducherry.
2. The Managing Director,
M/s.Power Soaps Limited,
R.S.No. 94/1 Sembiapalayam Village,
Korkadu Post, Puducherry – 605 110. ...Respondents in both W.P's.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the concerned records from the 1st respondent, quash the Award of the 1st respondent Labour Court (i) dated 23.07.2013 in I.D.No.16 of 2012 and (ii) dated 30.07.2013 in I.D.No.12 of 2012; in so far as denying 50% of the back wages and consequently direct the respondents to pay full back wages.



W.P.Nos.31494, 31495, 31551 & 31552 of 2013

In Both W.P's.:

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For Petitioner : M/s.Balan Haridas

For Respondents : R1 – Court
Mr.John Zachariah, for R2

COMMON ORDER

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

2. For brevity, the petitioner in W.P.Nos.31494 & 31495 of 2013 is hereinafter referred to as the 'management' and the respective petitioners in W.P.Nos.33551 & 33552 of 2013 are hereinafter referred to as the 'workmen'.

3. The short facts necessary for disposal of these Writ petitions are as follows:-

3.1. Insofar as the Writ petitions in W.P.No.31494 & 33551 of 2013 are concerned, alleging that though she was working in the management industry as a permanent worker, she was denied the benefits, status and



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privileges given to the permanents workmen and when the same was questioned by the workman, the management initiated disciplinary proceedings as against the workman on the ground that she objected the co-employees from performing their work and the same ended in dismissal of the workman and aggrieved by the same, the workman therein initiated conciliation proceedings and as the same ended in dismissal, the workman raised an industrial dispute in I.D.No.16 of 2012 and the Labour Court, vide its award dated 23.07.2013, ordered for reinstatement with continuity of service and all other statutory benefits and along with 50% backwages. Being aggrieved by awarding of 50% backwages, the management has filed W.P.No.31494 of 2013 and being not satisfied with award of 50% backwages, the workman has come up with W.P.No.33551 of 2013.

3.2. Insofar as the Writ petitions in W.P.No.31495 & 33552 of 2013 are concerned, alleging that though he was working in the management industry as a permanent worker, he was denied the benefits, status and privileges given to the permanents workmen and when the same was questioned by the workman, the management prevented the workman from entering into the management premises and subsequently initiated



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disciplinary proceedings as against the workman on the ground that he was on unauthorised absence from 30.12.2009 and the same ended in dismissal of the workman and aggrieved by the same, the workman therein initiated conciliation proceedings and as the same ended in dismissal, the workman raised an industrial dispute in I.D.No.12 of 2012 and the Labour court, vide its award dated 30.07.2013 ordered for reinstatement with continuity of service and all other statutory benefits along with 50% backwages. Being aggrieved by the awarding of 50% backwages, the management has filed W.P.No.31495 of 2013 and being not satisfied with awarding of 50% backwages, the workman has come up with W.P.No.33552 of 2013.

4. Heard learned counsel on either side and perused the materials available on record.

5. Though very many grounds have been raised, at the time of arguments, the learned counsel for the workmen submitted that during the pendency of these Writ petitions, the workmen were reinstated into service and in respect of the workman in W.P.Nos.31495 & 33552 of 2013, after reinstatement, the workman therein was subsequently terminated from



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service. Hence, it would suffice, if this Court permits the respective workmen to withdraw the respective amounts deposited by the management before the Labour court towards 50% backwages pursuant to the order of this Court dated 03.07.2015. Learned counsel appearing on behalf of the management did not dispute the facts submitted by the learned counsel for the workmen and did not raise any objection for the limited request made by the learned counsel for the workmen.

6. In view of the fair submissions made by the learned counsel for the parties, this Court, without going into the merits of the case and without interfering with the orders impugned in these Writ petitions, grants liberty to the workmen to withdraw the respective amounts deposited by the management towards 50% backwages before the labour court with accrued interest, by filing appropriate applications before the Labour Court within a period of eight (8) weeks from the date of receipt of a copy of this order.



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WEB COPY 7. With the above observations and directions, these Writ petitions stand disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

24.02.2025

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

To

The Presiding Officer,
Labour Court,
Pondicherry.



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M.DHANDAPANI, J.

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W.P.Nos.31494, 31495, 31551 & 31552 of 2013
and
MP.Nos.1 of 2013(2 Nos.) & 1 to 3 of 2015(each 2 Nos.)

24.02.2025