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W.P.Nos.4398 of 2012 and 18748 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4398 of 2012 and 18748 of 2014

And

M.P.No.2 of 2014 and W.M.P.No.17703 of 2017

The Management,
M/s.Flakt (India) Limited,
No.147, Poonamallee High Road,
Nummal Village,
Chennai – 600

... Petitioner in W.P.4398/2012

G.Jaishankar

... Petitioner in W.P.18748/2014

Vs.

1.The Presiding Officer,
Third Additional Labour Court,
Chennai.

2.Jaiprathap

... Respondents in W.P.4398/2012

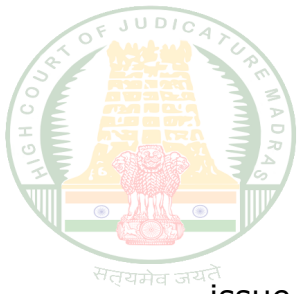
1.Presiding Officer,
III Additional Labour Court,
High Court Compound,
Chennai – 600 001.

2.Management of Flakt (India) Ltd.,
No.147, Poonamallee High Road,
Numbal Village,
Chennai – 600 077.

... Respondents in W.P.18748/2014

Prayer in W.P.No.4398 of 2012:

Petitions filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorari to call for the records connected with I.D.No.593 of 2006 on the file of the first respondent, Third Additional Labour Court, Chennai and to quash the award dated 30.08.2011 made therein.

Prayer in W.P.No.18748 of 2014:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in connection with I.D.No.626 of 2006 pronounced on 7th January 2014 and quash the same and hold that the petitioner is entitled to reinstatement and consequential benefits including backwages, continuity of service etc.

For Petitioner : Mr.S.Ravi
Senior Counsel
for M/s.M.R.Dharanichander
in W.P.4398 of 2012

Mr.G.Ilamurugu
in W.P.18748 of 2014

For Respondents : R1 – Court
Mr.G.Ilamurugu for R2
in W.P.4398 of 2012

R1 – Court
Mr.S.Ravi for R2
Senior Counsel
for M/s.M.R.Dharanichander
in W.P.18748 of 2014



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COMMON ORDER

The writ petitions have been filed seeking to quash the order passed by the first respondent in I.D.Nos.593 of 2006 and 626 of 2006 respectively dated 30.08.2011 and 07.01.2014 respectively.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order. For brevity, the petitioner in W.P.No.18748 of 2014 and the second respondent in W.P.No.4398 of 2012 would be hereinafter referred to as 'Workmen' and the petitioner in W.P.No.4398 of 2012 and the second respondent in W.P.No.18748 of 2014 would be hereinafter referred to as 'Management'.

3.The brief facts of the case is that the Workmen entered the service of the Management as Turner and Fitter on 02.01.1984 and 01.12.1988 respectively. For mis-conduct, the Management issued charge memo to the Workmen and after enquiry, they were dismissed from service. Challenging the dismissal from service, the Workmen raised industrial disputes in I.D.Nos.593 of 2006 and 626 of 2006 respectively before the Labour Court and the Labour Court directed the



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Management to reinstate the Workmen/ petitioner in I.D.No.593 of 2006 with full backwages, continuity of service and other benefits and to pay a sum of Rs.5 Lakhs to the Workmen/ petitioner in I.D.No.626 of 2006 in lieu of reinstatement in service. Aggrieved by the same, these writ petitions have been filed.

4.The learned Senior Counsel appearing for the Management submitted that the Workmen entered the service of the Management as Turner and Fitter on 02.01.1984 and 01.12.1988 respectively and during employment, they made malicious allegation against the Management and the same was enquired, however, no proof was available as against the Management, thereby the Management initiated disciplinary proceedings as against the Workmen and the same ended in dismissal of service, however, the Labour Court directed the Management to reinstate the Workmen/ petitioner in I.D.No.593 of 2006 with full backwages, continuity of service and other benefits, which is not sustainable one.

5.The learned Senior Counsel appearing for the Management further submitted that the Workmen/ petitioner in I.D.No.593 of 2006



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reached the age of superannuation during the year 2014 and 17B wages to the tune of Rs.1,39,200/- from 07/2012 to 07/2014 was paid to him and 50% of backwages to the tune of Rs.2,83,606/- was deposited before the Labour Court, out of which, the petitioner in I.D.No.593 of 2006 has already withdrawn 50% i.e., Rs.1,41,803/-.

6.The learned Senior Counsel appearing for the Management further submitted that the Workmen/ petitioner in I.D.No.626 of 2006 will reach the age of superannuation during May, 2025 and the Management has deposited a sum of Rs.5 Lakhs before the Labour Court.

7.One of the Workmen was present before this Court and the learned counsel appearing for the Workmen, on instructions, submitted that that the Workmen in the interest of Management, made allegation against some of the Management staff, which was not properly enquired by the Management, however, the Management dismissed the dutiful Workmen.

8.The learned counsel appearing for the Workmen further



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submitted that whatever allegation made against the Management is only in the interest of the Management and for betterment of the Management, however, the Labour Court failed to consider the past service of the Workmen/ petitioner in I.D.No.626 of 2006 and directed the Management to pay a sum of Rs.5 Lakhs in lieu of reinstatement in service, which is not sustainable one.

9.The learned counsel appearing for the Workmen further submitted that the petitioner in I.D.No.593 of 2006 reached the age of superannuation during the year 2014 and hence, now reinstatement is not possible and further submitted that the petitioner in I.D.No.626 of 2006 will reach the age of superannuation during May, 2025. Hence, this Court may fix a reasonable compensation for both the Workmen.

10.Heard the arguments advanced on either side and perused the materials available on record.

11.Admittedly, the Workmen entered the service of the Management as Turner and Fitter on 02.01.1984 and 01.12.1988 respectively and they have rendered considerable service for the Management, however, they made allegation against some of the



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Management staff and hence they were dismissed from service.

Aggrieved by the same, they raised industrial disputes before the Labour Court and the Labour Court directed the Management to reinstate the Workmen/ petitioner in I.D.No.593 of 2006 with full backwages, continuity of service and other benefits and to pay a sum of Rs.5 Lakhs to the Workmen/ petitioner in I.D.No.626 of 2006 in lieu of reinstatement in service.

12.The petitioner in I.D.No.593 of 2006 reached the age of superannuation during the year 2014 and hence, now reinstatement is not possible. The petitioner in I.D.No.626 of 2006 will reach the age of superannuation during May, 2025. Considering the service rendered by the Workmen, this Court is of the opinion that a sum of Rs.8 Lakhs + gratuity based on last drawn wages, would be a justifiable compensation to Jaiprathap/ petitioner in I.D.No.593 of 2006 and a sum of Rs.10 Lakhs + gratuity based on last drawn wages would be a justifiable compensation to Jaishankar/ petitioner in I.D.No.626 of 2006.

13.Accordingly, in so far as Jaiprathap/ second respondent in W.P.No.4398 of 2012/ petitioner in I.D.No.593 of 2006 is concerned,



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the Management is directed to deposit a sum of Rs.8 Lakhs + gratuity based on last drawn wages, after deducting the amount already paid to Jaiprathap and deposited before the first respondent, to the credit of I.D.No.593 of 2006 on the file of the first respondent, within a period of four weeks from the date of receipt of a copy of this order, failing which, the Management would be liable to pay interest at the rate of 7.5%p.a., from the date of writ petition till the date of actual payment. On such deposit being made, the second respondent in W.P.No.4398 of 2012 is entitled to withdraw the amount along with accrued interest.

14.In so far as G.Jaishankar/ petitioner in W.P.No.18748 of 2014/ petitioner in I.D.No.626 of 2006 is concerned, the Management is directed to deposit a sum of Rs.10 Lakhs + gratuity based on last drawn wages, after deducting the amount already deposited before the first respondent, to the credit of I.D.No.626 of 2006 on the file of the first respondent, within a period of four weeks from the date of receipt of a copy of this order, failing which, the Management would be liable to pay interest at the rate of 7.5% p.a., from the date of writ petition till the date of actual payment. On such deposit being made, the petitioner in W.P.No.18748 of 2014 is entitled to withdraw the amount along with accrued interest.



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15.The writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

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

To

1.The Presiding Officer,
Third Additional Labour Court,
Chennai.



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M.DHANDAPANI,J.
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