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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.7855 of 2021

and

WMP. No.8384 of 2021 and 12970 of 2021

The Management
Craigmore Plantations (India) Pvt. Ltd.,
Kullakamby Post,
Coonoor – 643 218.
Nilgiris District,
Rep. By its Managing Director. ... Petitioner

Vs

R.Rajkumar ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records of the Additional Labour Court, Coimbatore in ID. No.27 of 2014 and quash its award dated 31.12.2019.

For Petitioner : Mr. Raghunathan
For M/s.T.S.Gopalan
For Respondent : M/s. R. Chandrasekaran

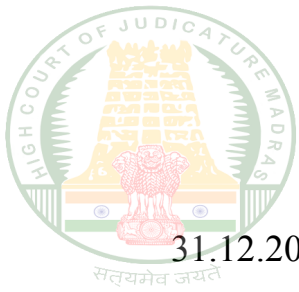


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ORDER

The writ petition has been filed seeking to quash the order passed by the Additional Labour Court, Coimbatore in ID. No.27 of 2014, dated 31.12.2019.

2. It is the case of the workman that the Petitioner is a plantation engaged in cultivation and manufacture of tea. The Respondent was dismissed on 11.08.2011 for acts of misconduct for unauthorized absenteeism. The dismissal was to take effect from 13.08.2011. One month notice pay was paid on 13.08.2011. As the dispute pertaining to revision of wage for plantation workers in the State of Tamil Nadu was pending before the Industrial Tribunal an approval application under Sec.33(2)(b) of ID Act was filed on 17.08.2011 due to intervening holidays. However in 2014 the Respondent pending approval petition raised conciliation proceedings filed. Thereafter a failure report was issued, and the dispute was taken before the Labour Court as ID No. 27 of 2014. On 10.06.2016, the Industrial Tribunal upheld that the enquiry proceedings held against the Respondent, however dismissed the Approval Petition as it was not filed on the same day. The Petitioner challenging the order filed a Writ Petition which is pending. On



31.12.2019, the Labour Court held that the charges cannot be held to be proved, that even assuming that the charge of absenteeism is proved, it being a minor misconduct, the punishment imposed was shockingly disproportionate and that in terms of Section 11A of the ID Act. Despite the fact that pending consideration before this Hon'ble Court, the Labour Court went on to decide the industrial dispute and set aside the dismissal order. The Petitioner challenging the said order is filing this Writ Petition.

3. The learned counsel for the petitioner submitted that during pendency of the writ petition, the respondent was reinstated to service. Again, he resigned the job on 20.10.2021 and the petitioner has to pay only 25% back wages to the workman. This Court may permit the petitioner to pay 25% back wages and close the writ petition since the order of the Labour Court is complied with.

4. The learned counsel for the respondent submitted that the Labour Court has not given fair and reasonable opportunity to the respondent to defend his case. The Labour Court erroneously arrived at meager compensation. Hence, the learned counsel prays that this Court may



enhance the compensation.

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5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

6. Admittedly, the respondent was joined in the petitioner Management in the year 1988. For his unauthorized absent, the respondent was dismissed from service in the year 2011. Challenging the order of termination, the respondent raised an industrial dispute before the Labour Court. The Labour Court has also ordered reinstatement and 25% backwages along with attendant benefits. However, during pendency of this petition, the respondent was reinstated into service. Again, the respondent has resigned his job in the year 2021. All the facts are not disputed by both the parties.

7. Considering the service rendered by the respondent and in order to resolve the dispute between the parties, this court directs the petitioner to pay a sum of Rs.2,50,000/- as full quit including the back wages, gratuity and all other benefits to the respondent within a period of four weeks from the date of receipt of a copy of this order. Upon payment of such amount, the



respondent shall withdraw the same. Further, the respondent is directed to withdraw the Provident Fund from the concerned authorities.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.04.2025

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Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

To

Additional Labour Court, Coimbatore



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M.DHANDAPANI, J.

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