



W.P.Nos.8983 and 15500 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.8983 and 15500 of 2012

Hindustan Unilever Limited
Detergents Factory
Pondicherry
rep. by its HR Manager

... Petitioner in W.P.8983/2012

R.Muthukrishnan

... Petitioner in W.P.15500/2012

Vs.

1.II Addl. District Judge/
The Presiding Officer,
Labour Court,
Pondicherry.

2.R.Muthukrishnan

... Respondents in W.P.8983/2012

1.The Presiding Officer,
II Additional District Judge
Labour Court,
Puducherry.

2.The Managing Director,
Hindustan Uni-Lever Limited,
Detergents Factory,
Puducherry.

... Respondents in W.P.15500/2012

Prayer in W.P.No.8983 of 2012:

Petition filed under Article 226 of the Constitution of India to



W.P.Nos.8983 and 15500 of 2012

issue a Writ of Certiorari calling for the records of the first respondent in I.D.No.23 of 2010 and quash its award dated 31.10.2011 in so far as it directs the reinstatement of the second respondent.

Prayer in W.P.No.15500 of 2012:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus after calling for the concerned records from the first respondent, quash the award passed by the first respondent dated 31.10.2011 in I.D.No.23 of 2010 in so far as denying backwages and imposing the punishment of stoppage of one increment without cumulative effect and consequently direct the second respondent to pay the back wages to the petitioner from the date of dismissal viz., 14.11.2009 onwards till reinstatement.

For Petitioner : Mr.Anand Gopalan
for M/s.Agam Legal Advocate
in W.P.No.8983 of 2012

Mr.Balan Haridas
in W.P.No.15500 of 2012

For Respondents : R1 – Court
Mr.Balan Haridas for R2
in W.P.No.8983 of 2012

R1 – Court
Mr.Mr.Anand Gopalan for R2
for M/s.Agam Legal Advocate
in W.P.No.15500 of 2012



W.P.Nos.8983 and 15500 of 2012

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COMMON ORDER

The writ petitions have been filed seeking to quash the award passed by the first respondent dated 31.10.2011 in I.D.No.23 of 2010.

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.8983 of 2012 would be hereinafter referred to as 'Management' and the petitioner in W.P.No.15500 of 2012 would be hereinafter referred to as 'Workman'.

3.The brief facts of the case is that the Workman joined the service of the Management on 01.03.1996. On.04.08.2008, the Workman was placed under Suspension and charge sheet dated 05.08.2008 was issued to him alleging that he had taken an Idly from canteen and displayed the same in the Union Notice Board and after enquiry he was dismissed from service vide order dated 14.11.2009. Thereafter, the Workman raised industrial dispute in I.D.No.23 of 2010 before the Labour Court and the Labour Court passed award directing the Management to reinstate the Workman in service with continuity of service and other attendant benefits without backwages. The



W.P.Nos.8983 and 15500 of 2012

Management was further directed to cut one increment of the Workman without cumulative effect.

4.The learned counsel appearing for the Workman submitted that the allegation against the Workman is that he had taken an Idly from canteen and displayed the same in the Union Notice Board, for which, dismissal from service is too harsh and hence the Labour Court set aside the dismissal order and directed the Management to reinstate the Workman in service with continuity of service and other attendant benefits, however, the Labour Court did not award backwages, which is not sustainable one. The learned counsel further submitted that till date the Workman is receiving 17-b wages from the Management and prayed for ordering reinstatement with backwages.

5.The learned counsel appearing for the Management submitted that the Workman is the office bearer of the trade union and for his trade union activities and in order to disrespect the Management, the Workman had taken an Idly from canteen and displayed the same in the Union Notice Board. Thereby, the Management lost its reputation and hence, departmental proceedings was initiated against the Workman and the same ended in dismissal from service. The learned



W.P.Nos.8983 and 15500 of 2012

counsel further submitted that being an office bearer of the trade union, if the Workman is not satisfied with the food supplied in the canteen, it is his duty to bring it to the notice of the Management instead displaying the Idly in the Union Notice Board is not sustainable one. However, the Labour Court without considering the misconduct of the Workman ordered for reinstatement, which is not sustainable one.

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

7.The allegation against the Workman is that he had taken an Idly from canteen and displayed the same in the Union Notice Board. Even assuming that the display of Idly in the Union Notice Board damaged the reputation of the Management, the punishment of dismissal from service is too harsh. On the sole ground, the impugned order need not be interfered with.

8.The Management is directed to reinstate the Workman in service with continuity of service and other attendant benefits without backwages, within a period of four weeks from the date of receipt of a



W.P.Nos.8983 and 15500 of 2012

copy of this order. It is made clear that the 17-b wages paid by the

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M.DHANDAPANI,J.
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Management to the Workman till date need not be recovered from the
Workman.

9.The writ petitions are disposed of on the above terms. No
costs.

06.02.2025

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

To

1.The Presiding Officer,
II Additional District Judge,
Labour Court,
Puducherry.

W.P.Nos.8983 and 15500 of 2012

06.02.2025

6/6



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W.P.Nos.8983 and 15500 of 2012