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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.9793 of 2012

N.Vimal Raj

... Petitioner

-VS-

1.The Presiding Officer,
Labour Court,
Pondicherry.

2. The Managing Director,
Leo Fasteners Unit II,
Thattanchavady,
Pondicherry.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus after calling for the concerned records from the first respondent quash the award of the first respondent declining the relief of reinstatement, continuity of service, full back wages and all other attendant benefits and consequently, direct the second respondent Management to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

For Petitioner

: Mr.Balan Haridas

For Respondents

: Mr.Manoharan, Senior Counsel

For M/s.T.P,Manoharan - R2

R1 - Court

ORDER



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The writ petition has been filed seeking to quash the award of the first respondent declining the relief of reinstatement, continuity of service, full back wages and all other attendant benefits and consequently, direct the second respondent Management to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

2. It is the case of the petitioner that he joined the services of the second respondent management on 04.09.2002 as a Helper and subsequently his service was confirmed as Machine Operator with effect from 01.08.2003. In order to pacify the grievances, the second respondent formed BMS Union and 200 employees were joined in the union, for which, the second respondent issued charge memo to the petitioner on 24.04.2009 and also placed under suspension from 30.04.2009. The allegation is that the petitioner has directed to the employees to go on strike which was conducted on 19.03.2009, for which, enquiry has been ordered. After conducting enquiry, the petitioner was dismissed from service on 01.02.2010. Thereafter, the petitioner raised a dispute before the first respondent seeking reinstatement, continuity of service, full back wages and all other attendant benefits. However, the Labour Court rejecting the petitioner's request and ordered to pay a sum of Rs.1,00,000/- as monetary compensation to the petitioner. Challenging the same, the present writ petition



has been filed.

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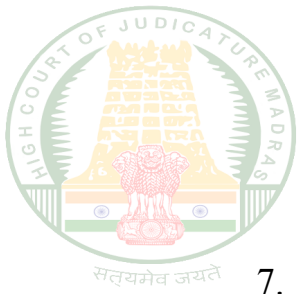
3. The learned counsel for the petitioner submitted that the first respondent Labour Court has not given fair and reasonable opportunity to the petitioner to defend his case. The Labour Court erroneously arrived at meager compensation of Rs.1,00,000/- as monetary benefits and the Labour Court has not rendered any finding as to whether the charges are proved or not. Hence, the learned counsel seeks to quash the impugned order and allow the writ petition.

4. The learned counsel further submitted that the petitioner rendered eight years of service and ordered the compensation amount is very meager. Hence, without going into the merits of the case, this Court may award another Rs.1,00,000/- to the petitioner within the stipulated time as fixed by this Court.

5. The learned counsel for the second respondent has not raised any objection in this regard.

6. Heard the learned counsel for the petitioner and the learned counsel for the second respondent and perused the materials available on records.

M.DHANDAPANI, J.



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7. In view of the consent expressed by the petitioner as well as the respondent and in order to quietus the issue, this Court modifies the award passed by the first respondent and directs the second respondent Management to pay a sum of Rs.2,00,000/- as full quit to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

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

10.02.2025

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Index: Yes/No

NCS : Yes/No

To

The Presiding Officer,
Labour Court,
Pondicherry.

W.P. No.9793 of 2012

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