



WEB COPY



W.P. No.10677 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.10677 of 2022

V. Anandhababu S/o. Veerapathiran .. Petitioner

vs.

The Management,
SRF Limited,
Manali Industrial Estate,
Manali, Chennai - 600 068. .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Award dated 20.12.2019 passed by the I Additional Labour Court, Chennai in I.D. No.471 of 2017 and quash the same after holding that the punishment of dismissal is grossly disproportionate, illegal, arbitrary and contrary to law and consequently direct the respondent to reinstate the petitioner with back wages, continuity of service and all other attendant benefits.

For Petitioner : Mr. A. Suresh Sakthi Murugan

For Respondent : Mr. Manohar Gupta for



WEB COPY



W.P. No.10677 of 2022

Mr. Gupta Ravi

ORDER

This Writ petition has been filed to quash the Award passed in I.D. No.471 of 2017 dated 20.12.2019 on the file of the I Additional Labour Court, Chennai, wherein the petitioner raised an industrial dispute challenging the dismissal order passed by the respondent Management and to direct the respondent Management to reinstate the petitioner into service with continuity of service and backwages. The Labour Court, awarded compensation of Rs.1 lakh in lieu of reinstatement with continuity of service and backwages. Aggrieved by the said order, the present Writ petition has been filed by the petitioner workman.

2. The learned counsel for the petitioner would submit that the petitioner was appointed as a 'trainee' on 24.04.2006. The petitioner was elected as Executive Member of a recognized Labour Union namely SRF and SRF Polymer Employees Union and the Union raised various demands with the respondent Management. In the above said circumstances, the respondent Management issued a Charge Memo dated 14.12.2016 alleging that the petitioner was absented for 15 days without prior intimation or sanction of leave. The petitioner submitted his explanation dated 17.12.2016 that he



W.P. No.10677 of 2022

WEB COPY

had taken leave for 15 days with prior intimation and he had 3 days leave to his credit. Those leaves were taken on various dates and not continuously. Further, the petitioner had not attended duty for 5 days due to the death of his co-employee and for attending the Union Executive Committee meetings. Even after the explanation submitted by the petitioner, the respondent conducted a domestic enquiry and without providing opportunity for cross examining the Management side witnesses, the enquiry was conducted and thereafter, the Enquiry Officer sent the enquiry report stating that the charges against the petitioner were proved. The respondent also issued a second Show Cause Notice on 24.12.2016 for the proposed punishment of dismissal and the same was also suitably replied, but without considering the reply, the respondent passed the order by dismissing the petitioner from service on 29.12.2016. Since conciliation failed, the petitioner filed a petition before the Labour Court under Section 2 A(2) of the Industrial Disputes Act challenging the said dismissal order.

2.1. The Labour Court erroneously confirmed the dismissal order, however, directed the respondent Management to pay compensation of Rs.1 lakh in lieu of reinstatement with continuity of service with backwages and other benefits. The Labour Court failed to consider that the petitioner was not



W.P. No.10677 of 2022

WEB COPY

offered any opportunity to cross examine the management side witness in the domestic enquiry proceedings and the Management failed to produce the witness before the Labour Court. The enquiry was conducted on a single day. The petitioner has not permitted to submit the documents before the enquiry officer and the same was not considered by the Labour Court. The petitioner availed leave with prior intimation and the absence of 15 days is not in consecutive days and those were taken on different dates during one year. The Management also refused to provide on duty entitlement to the petitioner's Union activities and those aspects have not been considered by the Labour Court. Moreover, the punishment of dismissal is highly disproportionate. Therefore, the order passed by the Labour Court is not in accordance with law and the same is liable to be quashed.

3. The learned counsel appearing for the respondent would submit that the petitioner remained unauthorized absence for 15 days without prior intimation to the respondent company. Therefore, for the above said misconduct, the Management issued a Charge Memo dated 14.12.2016 and thereafter, the petitioner also submitted his explanation. Being not satisfied with the explanation, the Management decided to conduct a domestic enquiry. An enquiry officer was appointed and enquiry was conducted. The petitioner



W.P. No.10677 of 2022

WEB COPY

also participated in the enquiry proceedings. On the side of the Management, one witness was examined, but the petitioner did not cross examine the witness. The petitioner himself was examined as witness. Therefore, sufficient opportunity was given to the petitioner in the domestic enquiry proceedings. Thereafter, the Enquiry Officer rendered his findings that the charges against the petitioner were proved and the same was accepted by the Disciplinary Authority and after providing opportunity to the petitioner, the Disciplinary Authority imposed punishment of dismissal from service. The Labour Court also after elaborate discussion, came to a conclusion that the petitioner was unable to give a valid explanation for his absence on various dates and already the petitioner was warned for his misconduct and apology letter was also obtained from him in the presence of his wife and due counselling was given, but the petitioner has not mended and took a defence which are not based on facts which could reasonably justify his conduct to show some compassion to his guilt. However, the Labour Court awarded compensation of Rs.1 lakh. Therefore, the Labour Court has passed a reasoned order and the same need not be interfered and the present petition is liable to be dismissed.

4. Heard both sides and perused the entire materials available on



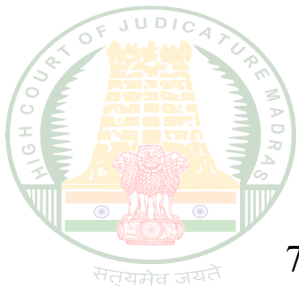
W.P. No.10677 of 2022

record.

WEB COPY

5. In this case, there is no dispute with regard to the relationship between the parties as 'employer' and 'workman' and also there is no dispute that the petitioner was absented for duty. According to the petitioner, he informed about his leave. According to the respondent, without any intimation, the petitioner availed leave on various dates, therefore, it amounts to misconduct.

6. According to the petitioner, before the Enquiry Officer, no opportunity was given to him, thereby, the principles of natural justice have not been followed. In this context, it is seen from the records that on the side of the Management, one witness was examined and on the side of workman, the petitioner was examined as a witness. The petitioner failed to cross examine the management side witness, whereas the Management cross examined the petitioner. Though opportunity was given to the petitioner, he failed to cross examine the witness on the side of the Management. Therefore, the disciplinary proceedings were conducted by giving adequate opportunity to the workman.



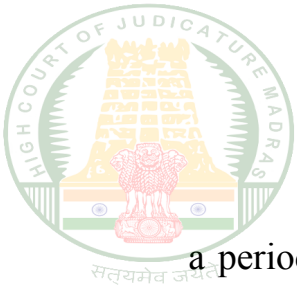
W.P. No.10677 of 2022

WEB COPY

7. As far as the punishment is concerned, already the Management had given warnings to the petitioner and thereafter, issued 2nd Show Cause Notice after accepting the findings of the Enquiry Officer, then only the Management imposed punishment. However, the Labour Court awarded a sum of Rs.1 lakh and the Management also not disputed the said amount. The Labour Court considering the service of the petitioner for nearly 10 years, awarded compensation of Rs.1 lakh. Therefore, there is no illegality or perversity found in the order passed by the Labour Court.

8. As far as the quantum of punishment awarded by the Disciplinary Authority is concerned, for the unauthorized absence, they awarded a punishment of 'dismissal from service'. The petitioner was removed from service on 29.12.2016 and after 8 years, it is not appropriate to reinstate the petitioner into service. Instead of reinstatement, it is appropriate to enhance the compensation. Already the Labour Court awarded compensation of Rs.1 lakh to the petitioner. Therefore, this Court is inclined to enhance the compensation amount from Rs.1 lakh to Rs.2.5 lakhs.

9. The respondent Management is directed to pay a sum of **Rs.2.5 lakhs (Rupees Two Lakhs and Fifty Thousand only)** to the petitioner within



W.P. No.10677 of 2022

a period of **2 (two) months** from the date of receipt of a copy of this order, failing which, the Award will carry interest @ 12%.

10. In view of the above directions, the Writ petition is ***partly allowed***.

There shall be no order as to costs.

14.07.2025
[1/2]

Index : Yes/No.
Speaking order/non-speaking order
mjs

To
The Management,
SRF Limited,
Manali Industrial Estate,
Manali, Chennai - 600 068.

P. DHANABAL, J.,

mjs



WEB COPY



W.P. No.10677 of 2022

W.P. No.10677 of 2022

14.07.2025
[1/2]