



W.P.Nos.8660 of 2021 & 10696 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.Nos.8660 of 2021 & 10696 of 2022

and

WMP.Nos.9204 of 2021, 10329 of 2022 & 20947 of 2023

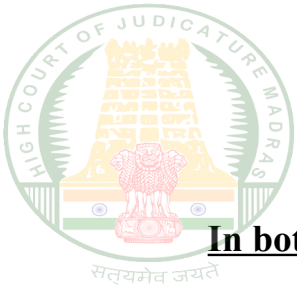
Soundarya Decorators Ltd.,
No.2 & 3, Porur Village,
Kolathur Post, Vandalur,
Kelabamkkam Road, Chennai – 600 127. ...Petitioner in both W.P's.

Vs.

C.Kasinathan ...Respondent in both W.P's.

Prayer in W.P.No.8660 of 2021: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records in I.D.No.31/2016 on the file of the Principal Labour Court, Chennai, quash the award dated 21.06.2018 passed therein.

Prayer in W.P.No.10696 of 2022: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records in C.P.No.1 of 2019 on the file of the Labour Court, Kancheepuram, quash the award dated 09.12.2021 passed therein and pass such further orders.



W.P.Nos.8660 of 2021 & 10696 of 2022

In both W.P's.:

WEB COPY

For Petitioner : Mr.D.Ravichander

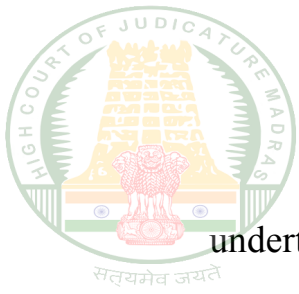
For Respondent : Mr.K.Bharathy

COMMON ORDER

Since the issue involved in both the Writ petitions are interconnected, they are disposed of by way of this common order.

2. These Writ Petitions have been filed by the employer seeking quashment of the award dated 21.06.2018 made in I.D.No.31 of 2016 and the consequential order dated 09.12.2021 made in C.P.No.1 of 2019.

3. The case of the petitioner management is that, the respondent-workman joined the services of the petitioner as Loadman in the year 2005. Since the respondent was a habitual absentee and he absented himself from duty on several occasions without obtaining prior permission, the petitioner management initiated disciplinary proceedings as against the respondent on various occasions, since his absence caused commotion in the functioning of the petitioner management. However, pursuant to the repeated request made by the respondent and the



W.P.Nos.8660 of 2021 & 10696 of 2022

undertaking given by him that he would not go on leave, he was subsequently permitted to join duty. While so, during August, 2013, alleging that he was not permitted to report for duty, the respondent initiated conciliation proceedings before the Assistant Commissioner of Labour, Sriperumbudur, however as the ended in failure, the respondent raised the present dispute in I.D.No.31 of 2016 before the Labour Court, Chennai and the labour court, without considering any of the above said facts, vide its award dated 21.06.2018 directed reinstatement of the respondent with continuity of service along with full backwages and all other attendant benefits. Challenging the same, the petitioner-management has filed W.P.No.8660 of 2021. Pending the same, on the basis of the award dated 21.06.2018, the respondent filed a computation petition in C.P.No.1 of 2019 and the Labour Court, Kancheepuram, vide order dated 09.12.2021 allowed the said petition and ordered for payment of Rs.4,64,750/-in favour of the respondent. Challenging the same, the petitioner-management has filed W.P.No.10696 of 2022.

4. Learned counsel for the petitioner submitted that, the petitioner-management has not passed any termination order as against the



W.P.Nos.8660 of 2021 & 10696 of 2022

respondent-workman. However, without considering the same, the

respective Labour Courts have allowed the industrial dispute as well as the computation petition filed by the respondent-workman, vide respective impugned orders and the said orders of the Labour Courts made in I.D.No.31 of 2016 and C.P.No.1 of 2019 are perverse and unreasonable, as the Labour Courts did not consider any of the materials placed by the petitioner before it and without considering the same in proper perspective, the industrial dispute and the computations petition were ordered in favour of the respondent/workman, which is wholly unsustainable. Accordingly, he prayed for appropriate orders.

5. Countering the above stand, the learned counsel appearing on behalf of the respondent submitted that, the Labour Courts, considering all the respective materials in proper perspective have passed the present impugned orders, which are speaking and reasonable orders and the same does not require any interference at the hands of this Court.

6. Heard the learned counsel on either side and perused the materials available on record.



W.P.Nos.8660 of 2021 & 10696 of 2022

WEB COPY 7. When the matters were taken up for hearing, this Court, considering the issue involved and the passage of time from the date on which the workman was dismissed from service, as more than a decade has passed since the order of dismissal, had suggested that the matters may be settled by the parties by paying a consolidated amount, as no useful purpose would be served in continuing the litigation, as the respondent-workman having not been in service, on the basis of no work no pay would not be entitled for backwages and all through these years, the workman would not have remained unemployed, as he would definitely have to have eked his livelihood by being employed elsewhere, however, the learned counsel appearing for the parties were not inclined to come for a settlement and, therefore, did not consent to an order for settlement, as proposed by this Court.

8. Though consent has not been given by the parties, however, this Court, sitting under Article 226 of the Constitution, is required to render substantial justice and in view of the facts narrated above and the sequence of events that have passed through more than a decades, when



W.P.Nos.8660 of 2021 & 10696 of 2022

the parties have been fighting out their rights before the judicial forum,

WEB COPY this Court, in exercise of its powers if inclined to direct the petitioner Management to pay a lumpsum towards full quit as settlement in favour of the respondent-workman.

9. Accordingly, this Court without interfering with the orders of the Labour Court impugned in these writ petitions, directs the petitioner-management to pay a sum of Rs.6,50,000/-(Rupees Six Lakhs and Fifty Thousand only) as settlement, in full quit in favour of the respondent-workman within a period of four weeks from the date of receipt of a copy of this order.

10. With the above observations and directions, these Writ petitions stand disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

29.04.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No



W.P.Nos.8660 of 2021 & 10696 of 2022

WEB COPY

To

1. The Principal Labour Court,
Chennai.
2. The Labour Court,
Kancheepuram.



WEB COPY



W.P.Nos.8660 of 2021 & 10696 of 2022

M.DHANDAPANI, J.

skt

W.P.Nos.8660 of 2021 & 10696 of 2022
and
WMP.Nos.9204 of 2021, 10329 of 2022 & 20947 of 2023

29.04.2025