



WEB COPY

WP No. 38969 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-03-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 38969 of 2015

and

M.P.No.1 of 2015

1. Sri Sarada Textile Processers
Pvt Ltd, 707/1, Urachikottai, Bhavani -
638 302 Erode District, Rep by its
Managing Director

Petitioner(s)

Vs

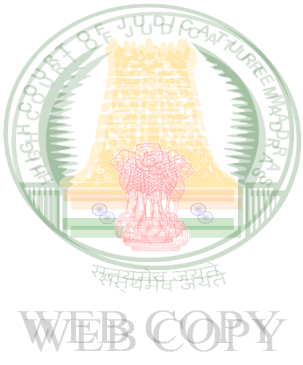
1. The Presiding Officer
Labour court, Salem

2.K.K. Udayakumar,
S/o. Kesavan, No.162, Royal Theatre
Street, Bhavani, Erode District

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of Constitution of India pleaded to issue a Writ of Certiorari calling to call for the records and quash the award dated 15.10.2014 in I.D. No. 139/2006 on the file of the First Respondent, The Presiding Officer, Labour Court, Salem



For Petitioner(s): Mr. Ravi Sr. Counsel For
M/s.Gupta And Ravi

For Respondent(s): M/s.K.V.Shanmuganathan for R2
R1-labour Court

ORDER

This writ petition has been filed seeking to quash the award dated 15.10.2014 in I.D. No. 139/2006 on the file of The Presiding Officer, Labour Court, Salem.

2. It is the case of the petitioner that the petitioner was running a factory at Bhavani, Erode District and is engaged in the process of bleaching, dyeing etc. of clothes. The second respondent herein was employed as a Watchman in the petitioner management. Since he had stolen coconuts from the factory premises, the second respondent was called and enquired by one Velumani, Supervisor in the factory about the theft of coconut and the second respondent has also admitted the said theft. Due to which, he was suspended from 02.03.1998 till 07.03.1998. Subsequently, on 25.06.1998 the second respondent joined the duty, during which time he was found sleeping. Consequently, a charge sheet dated 27.06.1998 was issued to the second respondent. However,



the second respondent did not show any interest in participating in the enquiry.

Hence, the enquiry officer submitted his report holding that the second respondent was found guilty of the charges leveled against him. Aggrieved over the order of dismissal, the second respondent raised an industrial dispute before the Labour Officer (Conciliation), Erode who submitted his failure report on 26.02.1999. After the receipt of the report of the enquiry officer, the second respondent has filed a petition before the Labour Court on 26.07.2006 after a lapse of eight years. However, the Labour Court vide order dated 15.10.2014 ordered for reinstatement of second respondent with continuity of service and 20% backwages. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner management submits that though the second respondent was employed as Watchman in the petitioner management, he was not diligent in his duty and had committed various misconducts like theft of coconut. On the sole ground, the second respondent was dismissed from service. Moreso, though the order of dismissal was passed on 31.08.1998, the second respondent slept over for a period of eight years and

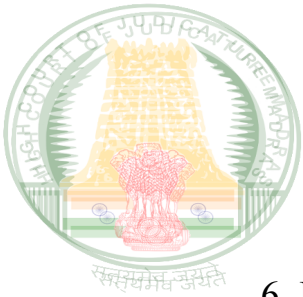


raised the industrial dispute only in the year 2006 which cannot be sustained.

The Labour Court without appreciating the evidence placed before it, had ordered for reinstatement with 20% backwages along with continuity of service which is per se unsustainable. Therefore, he prayed to allow this writ petition.

4. The learned counsel for the second respondent submits that the second respondent reached the age of superannuation. Hence, he prayed this Court to fix fair compensation to the second respondent in lieu of reinstatement to be payable by the petitioner management.

5. Admittedly, the 2nd respondent entered the service of the petitioner management as Watchman on 01.07.1998 and on 31.08.1998, he was dismissed from service on the ground that he committed theft of coconuts from the factory premises. Thereafter the second respondent raised an industrial dispute in the year 2006, however the Labour Court vide order dated 15.10.2014 has ordered for reinstatement with continuity of service along with 20% backwages. Assailing which the present writ petition has been filed.



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6. It is brought to the notice of this Court that during the pendency of this writ petition, the 2nd respondent has reached the age of superannuation and is no longer in service. Therefore, no useful purpose would be served if the order of reinstatement passed by the labour court is confirmed. Hence, in order to strike balance in between the parties and considering the rendered by the 2nd respondent, this Court is inclined to fix a reasonable compensation in his favour.

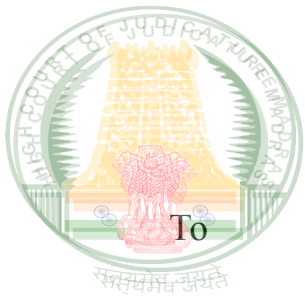
7. Accordingly, this Writ Petition is disposed of, directing the petitioner to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as lumpsum compensation to the 2nd respondent, in lieu of reinstatement, in full quit, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Neutral Citation: Yes/No



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To

1. The Presiding Officer
Labour court, Salem



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