



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

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CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.Nos.11416 & 25050 of 2022

and WMP.No.10951 of 2022

P.John Raja

... Petitioner in WP.No.11416/2022

...Respondent in W.P.No.25050/2022

Vs.

The Management

RDC Concrete (India) Private Limited

No.256/258, Kannanampalayam

Tiruchi Road, Suler Taluk,

Coimbatore – 641 402

Rep by its Manager-Credit Control ... Respondent in WP.No.11416/2022

petitioner in W.P.No.25050/2022

PRAYER in WP.No.11416/2022: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records of the Additional Labour Court, Coimbatore relating to the award dated 21.10.2021 in I.D.No.30 of 2018 and quash the same in so far as it denies the relief of reinstatement in service with continuity of service, full back wages and all consequent and attendant benefits to the petitioner and direct the respondent to forthwith reinstate the petitioner in service with continuity of service, full backwages and all consequent and attendant benefits.



PRAYER in WP.No.25050 of 2022: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari to call for the records of the Additional Labour Court, Coimbatore, in I.D.No.30 of 2018 and quash its Preliminary Award dated 13.07.2020 and Final Award dated 21.10.2021.

For Petitioner in WP.No.11416/2022 : Ms.Ramapriya Gopalakrishnan
& For Respondent in W.P.No.25050/2022
For Petitioner in W.P.No.25050/2022 : Mr.P.Raghunathan
& For Respondent in WP.No.11416/2022 for M/s.T.S.Gopalan & Co.,

COMMON ORDER

These Writ Petitions have been preferred as against the order passed by the Labour Court in I.D.No.30 of 2018 on the file of the Additional Labour Court, Coimbatore, dated 21.12.2021.

2. The petitioner in WP.No.11416 of 2022, hereinafter will be referred to as 'workman' and the petitioner in WP.No.25050 of 2022 hereinafter will be referred to as the 'Management'.

3. Before the Labour Court, the petitioner in WP.No.11416 of 2022 and



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the respondent in W.P.No.25050 of 2022 has raised an industrial dispute as against the petitioner, in WP.No.25050 of 2022 and the respondent in WP.No.11416 of 2022, challenging the termination order of the Management dated 05.04.2017 and to direct the Management to reinstate the workman into service with full backwages and all other attendant benefits.

4. The workman was an employee under the Management as Mixer Operator in the Coimbatore Branch and he joined duty on 15.10.2007. While he was on duty on 06.10.2016, there was a fault in the material stock pin gate of the JCB machine and it broke and this led to materials falling on the ground from the JCB machine. Thereafter he along with others have collected the fallen materials. At that time, the Batching Operator Sathyanidhi said that the Manager wanted to meet them. Immediately, the Manager started shouting and he spoke disrespectfully and asked him to complete the work within 10 minutes. Thereafter, the said Manager Senthil, hit the workman with an iron rod and he sustained injuries and was admitted

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in the Government Medical College and Hospital, Coimbatore, for treatment and an FIR in Cr. No.723 of 2016 also registered against the said Manager,

Senthil and others before the Sulur Police Station. Based on the complaint of the workman, counter complaint also lodged against the workman in FIR.No.724 of 2016. Thereafter, the workman was suspended from duty on 07.10.2016 and the Management issued a charge memo dated 02.11.2016 alleging that he created a nuisance and assaulted the Accountant, the Manager and caused injuries to them. Thereafter, he submitted his explanation. Without even considering the explanation, domestic enquiry was conducted and as per the domestic enquiry, charges levelled against the workman were proved and thereby the Manager awarded the punishment of dismissal from service. As against the punishment awarded through the disciplinary proceedings, the workman raised an industrial dispute before the Labour Court in I.D.No.30 of 2018 and the Labour Court passed a preliminary award holding that the enquiry was not fair and proper and the findings of the enquiry officer are perverse. Thereafter, the Management was given an opportunity to prove the

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charges before the labour court and examined the witnessess. Thereafter, the labour court rendered findings that the punishment of termination from service is highly disproportionate and negatived the relief of reinstatement and directed the Management to pay compensation of Rs.2,00,000/- within 30 days from the date of the petition of award, failing which, an interest @ 8% p.a., is levied. Aggrieved by the said order, the workman has filed the W.P.No.11416 of 2022 for award of reinstatement and full backwages and continuity of service and other attendant benefits and the Management filed W.P.No.25050 of 2022 as against the award of compensation.

5. Since filing of these writ petitions are arising out of the same award, this court heard both the petitions together and inclined to pass common order.

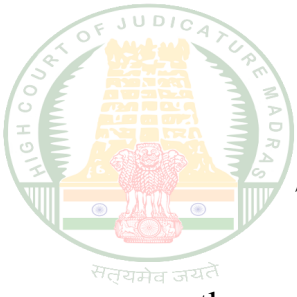
6. The learned counsel appearing for the Management would submit that the workman assaulted the Manager and the Accountant assaulted and thereby

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criminal complaint was lodged against him and an FIR was also registered and thereafter a charge memo was issued and conducted disciplinary enquiry and thereafter, he was dismissed from service by the disciplinary authority after following all the legal formalities. The said order of the dismissal from service was challenged by raising an industrial dispute by the workman and the labour court through the preliminary enquiry, decided that the domestic enquiry was not conducted in accordance with law and the findings of the enquiry officer is perverse and the directed the Management to adduce evidences in respect of the charges. Thereafter, the Management examined the witnesses before the Labour Court and marked the documents. On the side of the workman, he also examined one witness and marked documents. Even after the witness was examined before the labour court in respect of charges, the labour court once again discussed about the enquiry report and came to the conclusion erroneously and directed the Management to pay compensation of Rs.2,00,000/- after holding that the punishment is disproportionate. Therefore, the said award is liable to be quashed.



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7. The learned counsel appearing for the workman would submit that the workman was assaulted by the Manager and Accountant of the Management and thereby he lodged the complaint against them and the criminal case was lodged against the employers of the Management. In order to counter blast, for the complaint lodged by the workman the employee of the Management also lodged the false complaint and registered a false case. While so, the Management issued a charge memo and the same was suitably explained by the workman. Without accepting the explanation, they had also ordered for domestic enquiry and the same was conducted without following the principles of natural justice. Thereafter based on the domestic enquiry report, the Management, passed order of dismissal from service as against the workman. The said order was challenged through the Industrial dispute before the Labour Court, Coimbatore in I.D.No.30 of 2018. The Labour Court in the preliminary award concluded that the disciplinary proceedings have not been conducted by following the principles of natural justice and the findings of the enquiry officer are perverse. Thereafter, the Management examined

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witnesses and the workman also examined the witnesses. The labour court, instead of reinstatement, granted him meager amount of compensation of Rs.2,00,000/-. The labour court failed to consider that the charges levelled against the workman were not proved and the workman was not employed gainfully after the dismissal from service. Therefore, the labour court ought to have ordered for reinstatement and backwages and all other attendant benefits. Therefore, the order passed by the labour court is liable to be quashed in so as denying the reinstatement and the full backwages and continuity of service. Therefore, the order passed by the lower court to that extent is liable to be quashed.

8. This court heard both sides and perused the records.

9. In this case, there is no dispute in relationship between the parties as employer and the workman. It is an admitted fact that there was a quarrel between the workman and the staff of the employer of the Management and

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they made a complaint against each other and criminal cases have been registered against each other and thereafter, the Management issued a charge memo against the workman and he also submitted his explanation. Being not satisfied with the explanation, the Management decided to conduct an enquiry and the enquiry officer, after examination of the witnesses rendered findings that the charges against the workman were proved. Thereafter, served a copy of the enquiry report and called for further explanation, being not satisfied with the explanation the Management awarded punishment of dismissal from service. Thereafter, the workman challenged the said order by raising an industrial dispute before the labour court and the labour court also based on preliminary award holding that the no principles of natural justice is followed and the findings of the enquiry officer is perverse and thereafter granted an opportunity to the Management to adduce evidence.

10. Accordingly, the Management examined four witnessess and marked 7 exhibits. On the side of the workman, he was examined as one

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witness and marked 7 exhibits. The labour court, after analysing the evidences adduced on both sides, passed an award to pay compensation of Rs.2 lakhs in lieu of reinstatement.

11. As far as the charges are concerned, both parties have levelled allegations against each other and the same would reveal that there were some altercation between the parties during employment. The Management has examined the said Senthil and Accountant Officer Lenin. They categorically deposed about the incident and thereby the charges levelled against the workman were proved.

12. However, the Labour Court in the award failed to render findings about the proof of charges. Without recording the proof of charges, the Labour Court came to a conclusion that awarding punishment of termination is highly disproportionate. Further, the date of dismissal from service is 05.04.2017 and now after 8 years, it is not appropriate to order for reinstatement.

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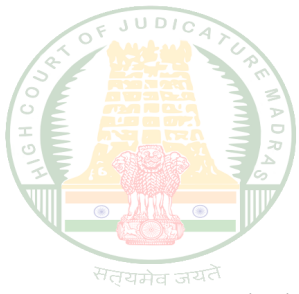
Considering the nature of charges, the punishment of termination is highly disproportionate and having considered long strained relationship between the employer and the workman, it is not appropriate to order for reinstatement.

13. The learned counsel appearing for the workman relied on the following judgments:-

1. Allahabad Bank and Others vs. Krishan Pal Singh, (2021) 19 SCC 227

2. Ram Kishan Vs. Union of India, (1995) 6 SCC 157.

14. On a careful perusal of the above said judgments, it is clear that no strait-jacket formula could be evolved in adjudging whether the abusive language in the given circumstances would warrant dismissal from service. Each case has to be considered on its own facts and also it is made clear that the court, after taking into consideration the effective services of the workman, can award appropriate compensation.



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15. In the case on hand, the charges were proved against the delinquent and this court finds that the punishment of dismissal from service is not proportionate to the charges. Therefore, considering the long services, the court has to award fair and just compensation.

16. Both side counsel during the course of arguments admitted that the workman is aged about 55 years and there are only few years to attain the age of superannuation, at this stage, it is not appropriate to order for reinstatement. Therefore, it is appropriate to award compensation in lieu of reinstatement and the labour court also award Rs.2 lakhs as compensation.

The petitioner had joined duty on 15.10.2007 and he worked for more than 10 years in the Management and he was dismissed from service on 05.04.2017 and he has service for another few years and thereby taking into consideration of the above said facts, this court is of the opinion that the compensation awarded by the labour court is on lower side and this court enhanced compensation of Rs.5 lakhs. Therefore, the Management is directed to pay the



compensation to the workman to the tune of Rs.5 lakhs. Already the

Management deposited a sum of Rs.2 lakhs and the petitioner is entitled to

receive the abovesaid deposited amount along with accrued interest. The

remaining amount of Rs.3 lakhs has to be paid within one month from the

date of receipt of a copy of this order.

17. With the above said modification, the Writ Petition filed by the Management is dismissed and the Writ Petition filed by the workman is partly allowed. Consequently, the connected miscellaneous petition is closed.

No costs.

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Speaking Order : Yes/No

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P.DHANABAL.,J

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To:
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Coimbatore – 641 402
Rep by its Manager-Credit Control

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