



WEB COPY



W.P.No.12865 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM :

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

W.P.No.12865 of 2025

K.Gunasekaran

...Petitioner

Vs.

The Management,
The Periya Karumalai Tea & Produce Company Ltd.,
Valparai – 642 127.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Award dated 28.02.2024 in I.D.No.26 of 2021 on the file of the Hon'ble Additional Labour Court, Coimbatore, and quash the portion of the award restricting back wages to 25% and consequently, direct the respondent to pay full back wages to the petitioner from the date of termination till the date of reinstatement, along with other consequential benefits.

For Petitioner : Mr.S.Saravanan



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ORDER

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This Writ petition has been filed seeking quashment of the award dated 28.02.2024 made in I.D.No.26 of 2021 on the file of the Additional Labour Court, Coimbatore, insofar as restricting back wages to 25% and to consequently, direct the respondent to pay full back wages to the petitioner from the date of termination till the date of reinstatement, along with other consequential benefits.

2. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

3. It is the case of the petitioner that, he was employed with the respondent management as a Field officer from the year 1995 till his termination ie., on 07.09.2020. The respondent terminated the services of the petitioner on the ground that he did not discharge his duties to the satisfaction of the management and that there were lapses on his part in managing the operations of the tea plantation. Challenging the said termination, the petitioner raised a dispute before the Additional Labour Court, Coimbatore in



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I.D.No.26 of 2021 and the Labour Court, vide its order dated 28.02.2024

directed reinstatement of the petitioner with 25% of backwages. Unhappy with the award of 25% of backwages, notwithstanding his reinstatement into service, the petitioner has filed this Writ petition seeking for a direction to enhance the same to 100% backwages by modifying the impugned award.

4. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

5. It is to be noted that the management has not filed any Writ petition challenging the order of reinstatement. The issue is only whether the petitioner is entitled to full backwages from the date of his termination till the date of award.

6. A perusal of the materials placed on record, particularly the impugned award reveals that the labour court has specifically noted that the wife of the petitioner was employed as a Headmaster in a Government school and that his son was doing MBBS course and the management has also listed



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out the movable and immovable assets of the petitioner. The petitioner has also not proved he was not gainfully employed during non-employment period and not denied the statement of the respondent with regard to his assets. Taking into consideration these factors, the Labour Court, vide impugned award has ordered for reinstatement with 25% backwages.

7. In the absence of any proof shown by the petitioner that due to his termination he and his family suffered economically or otherwise, the entire backwages need not be paid. Hence, this Court is in complete agreement with the findings arrived at by the Labour Court for awarding 25% of backwages in favour of the petitioner and thereby, the said order of the Labour Court does not deserve any interference at the hands of this Court.

8. Accordingly, this Writ petition fails and the same is dismissed. No costs.

09.04.2025

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

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To:

The Additional Labour Court,
Coimbatore.



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M.DHANDAPANI, J.

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