



W.P.Nos.12367 & 12368 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM :

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

W.P.Nos.12367 & 12368 of 2019

1.B.Babu
2.P.Ramesh

... Petitioner in W.P.No.12367 of 2019
... Petitioner in W.P.No.12368 of 2019

Vs.

The Management of Otis Elevator Company India Limited,
New No.377, Old No.272,
Anna Salai,
Chennai – 600 018.

... Respondent in both WPs

Prayer in W.P.No.12367 of 2019 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the award made in I.D.No.169 of 2011 dated 25.02.2019 on the file of the II Additional Labour Court, Chennai, and quash the same and consequently direct the respondent to reinstate the petitioner with back wages, continuity of service and all other attendant benefits, with effect from 16.09.2010, within a time frame as stipulated by this Court.

Prayer in W.P.No.12368 of 2019 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the award made in I.D.No.176 of 2011 dated 25.02.2019 on the file of the II Additional



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Labour Court, Chennai, and quash the same and consequently direct the respondent to reinstate the petitioner with back wages, continuity of service and all other attendant benefits, with effect from 16.09.2010, within a time frame as stipulated by this Court.

For Petitioner : Mr.G.Mutharasu
(in both WPs)

For Respondent : Mr.Ravi
(in both WPs) Senior Advocate
for M/s.Gupta and Ravi Advocates

COMMON ORDER

Since the issue involved in these writ petitions are one and the same, with the consent of the learned counsel appearing for the parties, these writ petitions are heard together and disposed of by way of this common order.

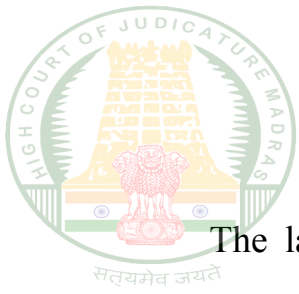
2. For brevity, the respective petitioner in both the writ petitions are hereinafter referred to as 'the workmen' and the respondent in both the writ petitions are hereinafter referred to as 'the management'.

3. The workmen were appointed as Technical Assistant under the management on 10.08.1988 and 13.12.1988 respectively and they were



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promoted and designated as 'highly skilled B Grade'. They were working sincerely to the entire satisfaction of the superiors of the management and they were drawing monthly salary of Rs.21,316/- respectively. While so, the workmen were deputed to attend service work at India cements at Errakuntla, Andhra Pradesh and they stayed there at a hotel called Sri Vigneswara Complex Lodge. After completion of the allotted work, they returned to Chennai and submitted bills to the management for reimbursement. Though the management sanctioned the bills produced by them, the management did not give the reimbursement to them. All of a sudden, the management issued charge sheet to them alleging that they have claimed reimbursement on bogus bill without staying in the said lodge. Being not satisfied with the explanation given by them, the management has appointed enquiry officer to conduct domestic enquiry and the enquiry officer has drawn proven minute against them, based on which, they were issued with second show cause notice dated 24.08.2010 and thereafter, they were dismissed from service vide order dated 16.09.2010. Aggrieved by the same, the workmen have raised disputes before the II Additional Labour Court, Chennai u/s 2A(2) of the Industrial Disputes Act, 1947 (in short 'the ID Act') in I.D.Nos.169 & 176 of 2011 seeking reinstatement with backwages and other benefits.



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The labour court, vide impugned order, dated 25.02.2019, upheld the order of termination passed by the management and directed the management to pay a sum of Rs.2,00,000/- respectively as compensation to the workmen. Challenging the same, the present writ petitions have been filed.

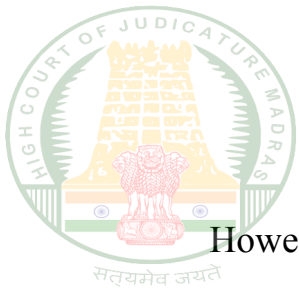
4. Learned counsel appearing for the workmen submitted that the workmen are having remaining service of 4 years and 5 years respectively. They have entered service in the year 1988, however the order of termination came to be passed in the year 2010. He further submitted that till the order of termination, there is no adverse remarks as against the workmen. They were deputed to attend work at India Cements at Andhra Pradesh and they have stayed at Sri Vigneswara Complex Lodge, thererby they have claimed reimbursement, which was initially accepted by the management, however, subsequently the management ordered for departmental enquiry, which is baseless. On behalf of the management, the manager of the hotel was examined before the enquiry officer, in which he admitted that one Srinivasan was employed for two days and he might have given the bills submitted by the workmen. The said confusing statement made by the management



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witness, was accepted by the labour court, which is perverse. Further, the workmen have rendered more than 20 years of service with the management, thereby they are entitled for reinstatement. However, the learned counsel, on instructions, submitted that if this Court orders for reinstatement, the workmen are ready to forego the backwages. Accordingly, he prays for appropriate orders.

5. Per contra, learned Senior Counsel appearing for the management submitted that though the relationship of the workmen and the management is not in dispute. The workmen were deputed to work at India Cements at Andhra Pradesh and after attending the work, they have returned to Chennai and submitted the bogus bills allegedly issued by the Sri Vigneswara Complex Lodge. The employee of the India Cements was examined before the enquiry officer, in which he specifically stated that they were provided accommodation at the India Cements Complex and the false claim made by the workmen was proved before the labour court. Apart from that, Ex.M.45, copy of lodge register, which reveals that the name of the workmen were not found in it. Further, the management has proved before the labour court that the workmen never stayed in the said hotel as alleged by them, thereby the order of termination is passed.



However, the labour court ordered for exgracia amount considering the service rendered by them, which does not require any interference.

Accordingly, he prayed for dismissal of this writ petition.

6. Heard the learned counsel appearing for the parties and also perused the materials available on record.

7. A perusal of the respective award reveals that for the alleged misconduct committed by the workmen, the management has dismissed them from service, against which the workmen have raised disputes before the labour court, in which the management has clearly established before the labour court that the workmen have committed the alleged misconduct. Therefore, considering the service rendered by the workmen, the labour court has ordered compensation of Rs.2,00,000/- respectively in favour of the workmen, which is *per se* sustainable. Further, since the workmen have rendered reasonable years of service with the management, they are entitled to received gratuity amount from the management.



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8. The labour court has passed the award in the year 2019, now, we are in the year 2025, and hence, confirming the said compensation ordered by the labour court now will not be correct. Therefore, this Court is inclined to fix a reasonable compensation in favour of the workmen.

9. Accordingly, the management is directed to pay a sum of Rs.6,00,000/- each (Rupees Six Lakhs only) as settlement, in full quit in favour of the workmen within a period of four (4) weeks from the date of receipt of a copy of this order. Apart from the compensation ordered by this Court, the management is also directed to disburse the gratuity amount to the workmen within the time stipulated for paying compensation.

10. With the above observations and direction, these Writ Petitions are disposed of. No costs.

21.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

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To

The II Additional Labour Court, Chennai.

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