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W.P.No. 12144 of 2020

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

(Special Original Jurisdiction)

Reserved on : 03.03.2025

Pronounced on : 17.03.2025

PRESENT:

**THE HON'BLE DR. JUSTICE A.D. MARIA CLETE**

W.P.No. 12144 of 2020

R.Venkatasen, M/56 years,  
S/o. Ramasamy, 9-249, 'B' Type 48<sup>th</sup> Street,  
Sidco Nagar, Villivakkam,  
Chennai – 600 049.

...Petitioner

Vs.

1. The Presiding Officer,  
1<sup>st</sup> Additional labour Court,  
Chennai – 600 104.
2. M/s. Shanthi Enterprises Electrical Pvt. Ltd.,  
Rep. By its Proprietor,  
No.37, Joshier Street, Nungambakkam,  
Chennai 600 034.

...Respondents

Prayer:

To issue a Writ of Certiorari or any other order or direction in the nature of writ calling for the records of the 1<sup>st</sup> respondent award dated 29.11.2019 in I.D.No.151 of 2018 on the file of the 1<sup>st</sup> Additional Labour Court, Chennai and quash the same.



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Appearance of Parties:

For Petitioner : Mr.R.Anu Priyanga  
for Mr.R.Ravindra Ram, M/s.R.Vinu Priyanga,  
Mr.S.Deendayalan

For Respondents : M/s. J.Bharathi Raja

JUDGMENT

Heard.

2. The Petitioner, a workman, has filed this writ petition challenging the award passed by the 1st Respondent Labour Court in I.D. No. 151/2018 dated 29.11.2019. By the impugned award, the Labour Court granted the Petitioner a compensation of Rs. 90,000/- in lieu of reinstatement, continuity of service, and other attendant benefits. It also directed that in the event of non-payment of the compensation, the amount shall accrue interest at the rate of 8% per annum.

3. In the writ petition, notice was directed to be served on the counsel who had appeared for the management before the Labour Court, as per the order dated 08.09.2010. Accordingly, the counsel's name was printed in the cause list. When the matter was listed on 07.02.2025, this Court directed the management to explore the feasibility of the workman's request for



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enhanced compensation of Rs. 5 lakhs, considering his length of service and the fact that he was already 62 years old. However, the counsel for the 2nd Respondent filed a memo stating that the workman had caused a loss of Rs. 8 lakhs to the management. It was further submitted that, taking into account his 11 years of service, the Labour Court had awarded Rs. 90,000/- as compensation, and the said order had already been complied with.

4. In response to the allegation against the Petitioner, his counsel filed a reply memo dated 03.03.2025. It was stated therein that the Petitioner had sought an enhancement of compensation to Rs. 5 lakhs as a waiver in lieu of reinstatement. The memo also referred to the evidence of MW1, highlighting that suspicion regarding the loss of goods was directed towards one Bhoopalan. It was further stated that during the police inquiry, Bhoopalan admitted to the charge, leading to the recovery of goods worth Rs. 1,60,000/- and the theft was detected through CCTV footage.

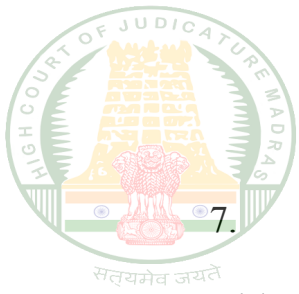
5. In light of the above, the sole issue for consideration is whether the impugned award, granting compensation in lieu of reinstatement, warrants interference. In the impugned award, the Labour Court, after analyzing the evidence of MW1, noted that the said witness, along with one Hari, had recommended the security guard, Bhoopalan. Therefore, it was observed



that they should have been charged with conspiracy for theft, rather than the Petitioner being victimized. However, the Labour Court examined the matter and concluded that if the Petitioner was aware of such a conspiracy, he ought to have informed the management. The management, on its part, denied Hari's involvement, further contending that the contract security guard, Bhoopalan, was not appointed by MW1, Jagadeesan.

6. On that basis, the labour court in para 15 held as follows: -

*“Though the petitioner could claim absolute innocence, the available materials on the side of the respondent and the evidence of M.W.1 and with the admitted facts and circumstances are sufficient enough to hold that the petitioner has lost confidence of the respondent management and there are some materials to disbelieve the innocence of the petitioner as claimed by him and there is nothing to find fault with the management in holding the petitioner guilty of the misconduct of dereliction of duty in paving way for the theft happened in the premises of the respondent in which the petitioner is working as stores assistant. Hence under these circumstances, it is undesirable to reinstate the petitioner as claimed by the petitioner. But at the same time upon considering his services for 11 years and the last drawn salary, this court feels that it would just and proper to award compensation of Rs.90,000/- considering last drawn salary in lieu of the relief sought for by the petitioner as compensation.”*



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7. In view of the foregoing, this Court finds no justification to interfere with the discretion exercised by the Labour Court under Article 226 of the Constitution. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

**17.03.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

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Copy to:

The Presiding Officer,  
1<sup>st</sup> Additional Labour Court,  
Chennai – 600104  
(with records if any)



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**DR. A.D.MARIA CLETE, J.**

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Pre-delivery Judgment in  
W.P.No. 12144 of 2020

17.03.2025