



W.P.Nos.22308 and 22309 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.22308 and 22309 of 2018

And

W.M.P.Nos.26146 and 26147 of 2018

M/s.K.C.P.Limited

Rep. by Asst. General Manager (HRD & S)

... Petitioner in both the W.Ps.

Vs.

1.E.Ravichandiran

2.The Assistan Commissioner of Labour,
Kuralagam,
Chennai – 600 108.

(R2 deleted vide Court order dt.24/09/18,
made in WPs.22308/18 and
22309/18 respectively by SVJ)

... Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the Principal Labour Court, Chennai in I.D.Nos.408 and 409 of 2004 respectively and quash its award dated 16.03.2018.



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For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan and Co.
in both the W.Ps.

For Respondent : Mr.V.Govardhanan
for M/s.R.Subburaj
in both the W.Ps.

COMMON ORDER

The writ petitions have been filed seeking to quash the orders dated 16.03.2018 passed in I.D.Nos.408 and 409 of 2004 respectively, by the Principal Labour Court, Chennai.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.The learned counsel appearing for the petitioner submitted that the respondent entered service as Apprentice in the year 1983 and was given permanent appointment as Skilled – II Electrician on consolidated pay for one year and thereafter he was put on probation for six months and after completion of probation, he was appointed as Regular Skilled – II Electrician on 28.02.1987. The petitioner is manufacturing heavy structural fabrications and has installed a SS3 Transformer in the extra heavy machine shop area.



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4.The learned counsel appearing for the petitioner further submitted that on 07.09.2002, the respondent was in the third shift commencing from 10.30 p.m. and ending at 7 a.m. On 08.09.2002, the respondent had gone to extra heavy machine shop between 6 a.m. and 7 a.m. and at about 7.45 a.m. one Jacob Joseph, working as Supervisor in maintenance service noticed that SS3 transformer was tampered with and oil was leaking from it. Immediately, he reported the matter to the Supervisor and Deputy Manager and on inspection by both of them, it was found that the drain valve of the transformer was slightly opened and on verification of the log book, it was found that the respondent had visited the extra heavy machine shop between 6a.m. and 7 a.m. On 17.09.2002, a show cause notice was issued to the respondent charging him with the misconduct of disorderly behaviour and commission of act subversive of discipline and causing willful damage to the work in process or to the property of the company and after enquiry, vide order dated 12.07.2003, the respondent was dismissed from service.

5.The learned counsel appearing for the petitioner further submitted that thereafter the respondent raised two industrial disputes



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under Section 2A(2) of the Industrial Disputes Act and the Labour Court passed two separate orders dated 16.03.2018 directing the petitioner to reinstate the respondent in service with all backwages, seniority, promotional benefits and all other attendant/ monetary benefits. The learned counsel further submitted that when an employee is involved in subbortage, such a misconduct cannot be viewed leniently since in anything happen, it will spoil the entire workshop and it will lead to heavy damage for the industry and further submitted that raising two industrial disputes for one dismissal order is not sustainable one.

6.The learned counsel appearing for the respondent submitted that inadvertently, the respondent raised two industrial disputes. The respondent did not commit any misconduct, however, to victimise him for his union activities, the petitioner charged him with false allegations and dismissed him from service. However, during the pendancy of the writ petitions, the respondent reached the age of superannuation. Hence, this Court may direct the petitioner to pay the terminal benefits due to the respondent with continuity of service and backwages.



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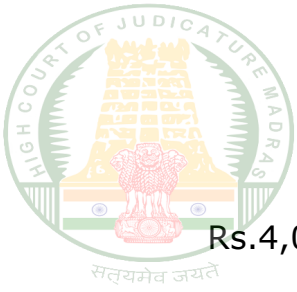
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7. Heard the arguments advanced on either side and perused the materials available on record.

8. The employer and employee relationship between the petitioner and the respondent is not in dispute. Admittedly, the respondent has rendered about 20 years service in the petitioner industry and prior to the alleged misconduct, there is no allegation against the respondent and the alleged misconduct was also not proved before the Labour Court.

9. The industrial disputes were raised by the respondent during the year 2004 and the impugned orders were passed during the year 2018 and now the respondent has reached the age of superannuation and hence, ordering reinstatement is not feasible. Further, if this Court directs the petitioner Management to settle the terminal benefits, it may lead to another litigation. In order to strike the balance, this Court is of the opinion that a sum of Rs.4 Lakhs would be a justifiable compensation to the respondent.

10. The petitioner Management is directed to pay a sum of



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Rs.4,00,000/- (Rupees Four Lakhs Only) in full quit to the respondent, within a period of eight weeks from the date of receipt of a copy of this order, failing which, the petitioner Management would be liable to pay interest at the rate of 7.5% p.a., from the date of writ petition till the date of actual payment.

11.The writ petitions are disposed of with the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

07.04.2025

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

To

1.The Principal Labour Court,
Chennai.



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