



W.P.No.13980 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.13980 of 2018

and

W.M.P.Nos.16513 of 2018, 22503 of 2019 & 32127 of 2022

Management,
M/s.Ravindra Security Pvt. Ltd.,
Sreeyas Veerath, 2nd Floor,
No.26, Old No.13/14,
3rd Cross Street, R.A. Puram,
Chennai – 600 028.

... Petitioner

Vs.

1.A.Ramu

2.The Principal Labour Court,
City Civil Court Buildings,
High Court Campus,
Chennai – 600 104.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records culminating in the impugned award dated 24.07.2017 in I.D.No.187 of 2012 passed by the Principal Labour Court, Chennai and quash the same.



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For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

For Respondents : Mr.S.Ravi [R1]
Labour Court [R2]

ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Certiorari, to call for the records culminating in the impugned award dated 24.07.2017 in I.D.No.187 of 2012 passed by the Principal Labour Court, Chennai and quash the same.

2. The case of the petitioner is that it is a company engaged in the business of providing security services including supply of security manpower to various commercial and manufacturing establishments. The first respondent was working in the petitioner company as a security guard as contract labour. Whiles, he failed to report for duty. When he tendered his resignation, the petitioner has directed him to handover all the materials belonging to the company. The first respondent has failed to do so and the petitioner has not terminated the first respondent as alleged and the petitioner company has never refused to employ the first



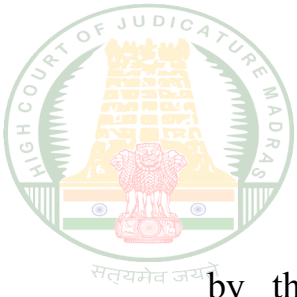
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respondent. Thereafter, he raised a dispute before the labour court u/s 2(A)(2) of the Industrial Disputes Act, 1947 (in short 'the ID Act') in I.D.No.187 of 2012 alleging that he was orally terminated by the petitioner company on 11.01.2012 and the labour court, vide impugned order dated 24.07.2017, directed the petitioner to reinstate the first respondent with backwages, continuity of service and other benefits. Challenging the same, the present writ petition has been filed.

3. When the matter is taken up for hearing today, learned counsel appearing for the petitioner/management submitted that though the first respondent was gainfully employed during his non-employment, however, the petitioner management is not able to trace the records, in which case, the first respondent is not entitled to any backwages. However, learned counsel, on instructions, submitted that, the petitioner management is ready to reinstate the first respondent/workman in and around Chennai.

4. Learned counsel appearing for the first respondent submitted that he is ready to join duty under the petitioner/management as offered



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by the petitioner/management. Further, he submitted that for the livelihood, the first respondent employed elsewhere during the period of non-employment and on that basis, backwages cannot be denied. Hence, he submitted that this Court may fix a reasonable compensation in lieu of backwages to the first respondent/workman.

5. In view of the fair submissions made by the learned counsel appearing for the parties and in order to strike balance in between the parties, this Court is inclined to dispose of this writ petition in the following terms:-

(i) the first respondent/workman is directed to report for duty before the petitioner/management within a period of two weeks from the date of receipt of a copy of this order and if the first respondent/workman reports for duty within the time prescribed by this Court, the petitioner/management shall reinstate the first respondent/workman into service in and around Chennai as early as possible;

(ii) the petitioner/management is also directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the first respondent/workman in



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lieu of backwages, within a period of four (4) weeks
from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of in the above
terms. No costs. Consequently, the connected miscellaneous petitions are
closed.

03.04.2025
(1/5)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Principal Labour Court,
City Civil Court Buildings,
High Court Campus,
Chennai – 600 104.



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M.DHANDAPANI, J.

sp

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