



W.A.No.3301 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.3301 of 2024

M.Karunanithi

... Appellant

Vs.

The Management of Corborandum Universal Limited,
Post Box No.2272
Thiruvottiyur - 600 019
Tiruvallur District.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order in W.P.No.13759 of 2019 dated 22.12.2023 and allow this Writ Appeal.

For Appellant : Mr.K.Sudalai Kannu

For Respondent : Mr.S.Ravi, Senior Counsel

for M/s.Ravi Law Chambers

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The workman is on appeal aggrieved by the order of the writ Court which enhanced the compensation of Rs.3,00,000/- directed to be paid by the labour Court to Rs.5,00,000/-.



2. The workman was terminated from service for having been involved in criminal cases and for having suffered incarceration as well as an order of detention under the *The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders*[6], *Drug Offenders, Forest-offenders*,[2] *Goondas, Immoral traffic offenders, Sand offenders*[4], *Sexual- offenders*,[7] *Slum-grabbers and Video Pirates*[3] Act, 1982 on 28.05.2009. Admittedly, he was in prison during the said period. Upon release, it is claimed that he went to the place of work on 29.10.2009 and he was not allowed to work. Upon enquiry with the Union, he was informed that he has been dismissed from service.

3. He raised an industrial dispute in January 2014. The same was resisted by the Management mainly contending that the industrial dispute itself is barred by limitation in view of Section 2A(3) of the Industrial Disputes Act which was introduced with effect from 15th September 2010.

4. The labour Court however reached a conclusion that since the workman has been issuing notices to the Management and asserting his right, he cannot be held guilty of laches and therefore the claim is in time. The labour Court however directed payment of compensation of Rs.3,00,000/- instead of reinstatement.



5. Aggrieved the workman filed W.P.No.13759 of 2019. Before the Writ Court the learned Senior Counsel who appeared for the workman restricted his claim only to the enhancement of compensation awarded by the labour Court. Hence, the writ Court did not go into the merits of the matter and had considered the question of quantum of compensation and enhanced it to Rs.5,00,000/-. It is not in dispute that the said compensation has been paid over by the Management. The workman is on appeal seeking a further enhancement of the compensation.

6. We have heard Mr.K.Sudalai Kannu, learned counsel appearing for the appellant and Mr.S.Ravi, learned Senior Counsel appearing for M/s.Ravi Law Chambers for the respondent.

7. Mr.K.Sudalai Kannu, learned counsel appearing for the appellant would vehemently contend that considering the fact that his last drawn wages was Rs.16,269/- and he had considerable service left behind, the learned Single Judge was not right in granting only a sum of Rs.5,00,000/- as compensation.

8. Contending contra Mr.S. Ravi, learned Senior Counsel appearing for the respondent Management would submit that while the labour Court exercises



power to award compensation in lieu of reinstatement it is not required to award compensation on a mathematical basis. What is contemplated is payment of just compensation and the labour Court in its wisdom has fixed Rs.3,00,000/- as just compensation, which is enhanced to Rs.5,00,000/- by the writ Court. Therefore, according to Mr.S.Ravi, learned Senior Counsel no case has been made out for interference with the conclusion of the writ Court.

9. We have considered the rival submissions.

10. The writ Court had taken into account the question of compensation and had worked out a reasonable compensation on the basis of the last drawn salary which was Rs.16,269/- per month. The delay in raising the industrial dispute was also taken into account by the writ Court while deciding the question of compensation.

11. We do not find any possible reason to enhance the compensation, which has been awarded by the writ Court, more so, when the appellant himself had restricted the claim only to the enhancement of compensation and has not challenged the conclusion of the labour Court on merits.



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12. Further it is stated that a sum of Rs.1,15,904/- towards provident fund along with interest is lying with the Provident Fund Organization. It will be open to the appellant to withdraw the said sum from the Provident Fund Organization. We are also informed that the gratuity of Rs.1,18,832/- is lying with the Management representing the gratuity of Rs.53,313/- and interest payable at 8% per annum from the date of dismissal till 31.12.2024. The Management will pay that money to the employee within a period of two weeks from today.

13. The Writ Appeal fails and it is accordingly **dismissed**. No costs.

(R.S.M.,J.) (C.K.,J.)
09.01.2025

dsa

Index : No
Internet : Yes
Neutral Citation : No
Speaking order

To

The Management of Corborandum Universal Limited,
Post Box No.2272
Thiruvottiyur - 600 019
Tiruvallur District.



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