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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.23647 of 2018
and WMP.No.27598 of 2018

Management of Nokia India (P) Ltd.,
Rep. By its Director,
Nokia Telecom Sez, Phase III A,
SIPCOT Industrial Park,
National Highways No.4, (NH-4)
Sriperumbudur – 602 105.

... Petitioner

Vs

P.Yogasundaram

....Respondent

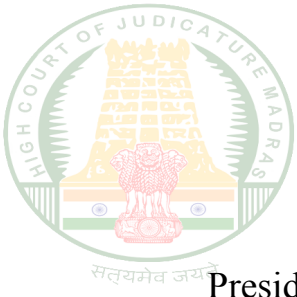
Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records connected with ID.No.260 of 2015 and quash the impugned award dated 07.03.2018 passed by the Presiding Officer, I Additional Labour Court, Chennai in ID No.260 of 2015.

For Petitioner : Mr.D.Ferinand For M/s.BPS Legal

For Respondent : No appearance

ORDER

This petition has been filed seeking to quash the order ID.No.260 of 2015 and quash the impugned award dated 07.03.2018 passed by the



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Presiding Officer, I Additional Labour Court, Chennai in ID No.260 of 2015

wherein the second respondent directed the petitioner to extent the settlement dated 31.10.2014 and disburse the benefits to which the first respondent claims to be entitled.

2. It is the case of the first respondent that the first respondent did not report to duty since 2013 without availing permission for leave not did he obtain prior permission from the petitioner for his long absence as per the company's standing order. In view of the authorised absence from duty by the first respondent beyond the permissible period, the petitioner had sent various letter and communications to any of the communications sent by the first respondent, the first respondent was terminated from service after following the due process of law. Challenging the order of termination, the workman raise a dispute before the Labour Court and the same was allowed in his favour. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that in view of



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the various reasons, the business of the petitioner was terminated and the factory was shut down. There were various settlement proposals between the petitioner company and the workers and admittedly, the first respondent was neither part of any of the recognized unions, not did he come forward for an amicable settlement terms as proposed by the petitioner company. The first respondent had been terminated from service for his failure report for duty since 17.07.2013. Without considering the entire fact, the Labour Court has ordered instatement along with other benefits, which is not sustainable one.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the first respondent, there is no appearance on his behalf.

5. The facts of the case are not in dispute. The relationship of the parties has also not in dispute. The first respondent has entered into a service as Operator on monthly salary of Rs.4986/- Subsequently, the salary was increased to Rs.12,196/- as on 2013. Admittedly, the respondent



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workman entered into service in the year 2006 and he was terminated from service for his unauthorized absence. The respondent raised a dispute before the labour Court and stated that due to jaundice, he could not attend duty. To prove the same, he has produced the relevant documents. Under this situation, the punishment for order of dismissal is highly excessive. Subsequently, the company was closed and the management has entered 18(1) settlement to the Union and the same benefits shall extend to the first respondent also. Therefore, the Labour Court has rightly passed award directed the petitioner company to extend to benefits under Ex.M7 to the first respondent, which is perfectly in order and the same needs no interference.

6. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

To

The Presiding Officer, I Additional Labour Court, Chennai



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M.DHANDAPANI, J.

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