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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

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THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.15543 of 2018
and WMP.No.3410 of 2019

J.Ramasamy

...

Petitioner

Vs

1. The Presiding Officer,
First Additional Labour Court,
City Civil Court Buildings,
Chennai-104.

2. The Management of
Kwality Precision Products Private Ltd.,
Plot No.43 (NP) Sidco Estate,
Ambattur, Chennai-53.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to ID.No.16/2012 dated 28/03/2017 and quash the award that the petitioner union has failed to justify that the Management laid off the workman P.L.Ramasamy for wrongful reasons and therefore, the workman P.L.Ramasamy shall not be entitled to any arrears of wages for the lay off period and directing the second respondent for payment of salary and other benefits from 24.11.2008 to 16.06.2010 to the tune of Rs.1,08,807/-



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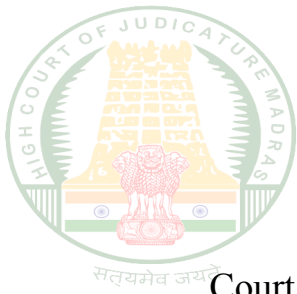
For Petitioner : Mr.S.T.Varadharajalu

For Respondent : Mr.D.Veda R2
R1 Court

ORDER

This petition has been filed seeking to quash the order passed by the first respondent relating to ID.No.16/2012 dated 28/03/2017 and the petitioner union has failed to justify that the Management laid off the workman P.L.Ramasamy for wrongful reasons and therefore, the workman P.L.Ramasamy shall not be entitled to any arrears of wages for the lay off period and directing the second respondent for payment of salary and other benefits from 24.11.2008 to 16.06.2010 to the tune of Rs.1,08,807/-

2. It is the case of the petitioner that the petitioner Union Member P.L.Ramasamy is technically qualified IT fitter and served as Fitter from 1972 to 16.06.2010. The petitioner scale of pay was not fixed on par with his junior Mr.Muthu. Hence, the petitioner raised ID. No.321/2010 and award was also passed by the first respondent on 05.09.2014. Hence, the Management started to victimised the petitioner by issuing lay off notices. However, he is entitled to receive wages for the period in which he was denied employment. Hence, the petitioner raised a dispute before the Labour

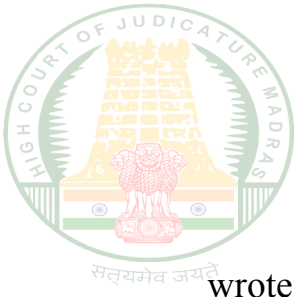


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Court and the same was denied. Challenging the said order, the petitioner Union has filed the present writ petition.

3. The learned counsel for the petitioner submitted that though the Labour Court has awarded wages for the suspension period from 23.03.2009 to 26.05.2009. However, the petitioner is entitled to arrears of wages for the lay off period which is not sustainable.

4. Per contra, the learned counsel for the respondent submitted that admittedly, the petitioner was assigned the job and maintaining DRT II machine on 12.03.2009, but he did not complete the job and therefore, the management issued a charge memo dated 19.03.2009 charging the worker Ramasamy with going slow. The practice of "go slow" attitude is a misconduct under clause 16(4) of the Standing Orders and denied the wages from 21.03.2009 to 26.05.2009. The said punishment was not challenged by the individual before any forum. Thereafter, due to power shortage and lack of orders, the management declared lay off to their workers. From 06.01.2010 the petitioner did not report for duty. The management also



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wrote letters to the worker for his absence. However, the management allowed him to retire from service on humanitarian grounds and settled his dues. The lay off wages were also disbursed to the worker. The Union claimed wages for the worker Ramasamy for the period from 01.01.2010 to 16.06.2010. Since the worker Ramasamy stayed away from work from 06.01.2010 and therefore, he is not entitled to wages and the principle of no work no pay would apply to that situation.

5. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents and perused the materials available on record.

6. The facts of the case are not in dispute and admittedly. Due to misconduct committed by the petitioner member, a punishment of suspension was imposed as per the Standing Orders. In his reply, the petitioner member denied the charges. The respondent has stated that the workman Ramasamy has failed to complete the job which was assigned to him. However, without conducting enquiry, the management suspended the workman. On perusal of the records, it is seen that there is no evidence to show that the workman was granted an opportunity to defend himself. The Management straightaway



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awarded the punishment of stoppage of work from 21.03.2009 to 26.05.2009.

Awarding punishment for an alleged misconduct without holding enquiry and without giving opportunity to the workman, is unlawful. The Labour Court has rightly found out the same and directed the management to pay full wages for the above said period to the workman, which is perfectly in order and the same needs no interference. However, The Labour Court denied the arrears of wages for the lay off period. The reason stated in the award by the Labour Court is cogent and convincing and the same does not warrant any interference.

7. In view of the above reasons, the writ petition stands dismissed and the award passed by the Labour Court is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2025

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M.DHANDAPANI, J.



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Index: Yes/No
Internet: Yes/No
Speaking/Non speaking

To

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