



W.P.No.17847 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 17847 of 2021

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W.M.P.No. 19056 of 2021

The Management,

M/s. Prashanth Dyemchem (P) Ltd.,

17/A, II nd Phase, Krishnagiri Road,

Hosur – 636 109.

...Petitioner

Vs.

V.Mathivanan

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for records relating to the award dated 14.10.2020 made in ID.No.40 of 2019 (Old ID.No.70 of 2012) on the file of Labour Court, Hosur to quash the same.



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For Petitioner : Mr. L.Chandrakumar
For Respondent : No Appearance

ORDER

Challenging the order passed by the Labour Court, Hosur in ID.No.40 of 2019 reinstating the respondent herein with continuity of service and 50% of back wages, the management is before this Court. The facts are as follows and the parties are referred to in the same ranking as before the Labour Court.

2. The petitioner was appointed as a Chemist in the respondent Lab on 14.05.1996 and was in continuous service till his termination on 23.10.2008. The petitioner would submit that he is a permanent worker and worked continuously for more than 240 days every year and the last drawn salary was a sum of Rs.6,000/-. The petitioner would submit that he was not paid wages and other benefits to which he was legally entitled to. He made repeated demands to the respondent.



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Thereafter the respondent compelled the petitioner to receive the settlement which was refused by the petitioner. Therefore, the petitioner was terminated from services on 23.10.2008.

3. The petitioner had raised an Industrial Dispute before the Conciliation Officer, Krishnagiri, which ended in a failure and a failure report was sent to the Government. Thereafter, the petitioner had filed ID petition before the Labour Court, Hosur.

4. The respondent would deny the allegation of termination made by the petitioner. It is their contention that a week prior to his termination the petitioner had come to the gate of the Lab in an intoxicated state and had shouted expletives. On 22.10.2018 one of the Directors had told the petitioner that he should execute his job carefully. To this the petitioner had used disrespectful language. Despite the warning that he would visit with disciplinary action, the petitioner had failed to apologise and had refused to answer to the letter properly and demanded he be terminated and the amount settled to him.



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5. During conciliation proceedings the respondent / management had agreed to take back the petitioner but he refused to join the service but had demanded a compensation of Rs.5,00,000/- and later he had agreed to receive a sum of Rs.50,000/-. The respondent offered to pay only a gratuity which the petitioner refused. The respondent further alleged that the Industrial Dispute had been raised 3 years after the dismissal and therefore the petitioner under Section 2 A (3) was not maintainable.

6. The Tribunal on considering the evidence on record had come to the conclusion that the oral termination of the petitioner is illegal and unjustified as there was no show cause notice issued or the disciplinary proceedings initiated before the petitioner was terminated and the respondent management had failed to prove the misconduct that was alleged to be the ground for his oral termination. Therefore, the Tribunal below had directed reinstatement with back wages.



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7. Heard the learned counsel for the petitioner. The respondent was not represented by his counsel.

8. That the petitioner has been terminated from service had not been denied by the respondent / management. Their contention was that despite being offered reinstatement, the petitioner refused to re-join but had demanded payment of a sum of Rs.5,00,000/-.

9. It is also not in dispute that no notice prior to the termination or disciplinary enquiry held. Be that as it may the respondent has even failed to substantiate their allegation that the petitioner was in an intoxicated state. On the contrary Ex.R.2, which is an attested copy of the minutes book maintained by the respondent would indicate that a resolution had been passed on 23.10.2008 resolving to terminate the services of the petitioner as he had demanded higher wages and benefits and not on the ground of the petitioner's misbehaving under the influence of Alcohol.



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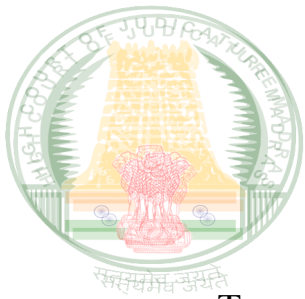
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10. The petitioner having denied the allegations the onus was on the respondent management to prove their contention about the alleged incident having taken place in the premises of the company. They could have examined the other workmen present on the said date which exercise has not been undertaken by the respondent management.

11. Therefore, the findings of the Labour Court that the respondent company has not proved the misconduct has to be confirmed. I see no reason to interfere with the order passed by the Labour Court, Hosur, Accordingly, the Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

10.07.2025

Index : Yes/No
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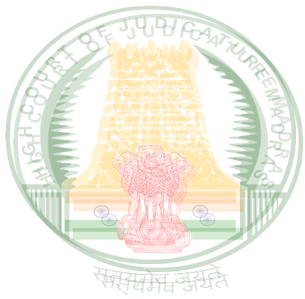


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To

The Labour Court, Hosur



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P.T. ASHA, J,

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