



WEB COPY

W.A.No.1903 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No. 1903 of 2025
and CMP No.14494 of 2025

Hindustan Unilever Limited
Detergents Factory,
Pondicherry,
Rep. by its HR Manager

... Appellant

Vs.

1. II Addl. District Judge/
The Presiding Officer,
Labour Court,
Pondicherry.

2. R Muthukrishnan

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the common order passed in WP No. 8983 of 2012 dated 06.02.2025.

For Appellants : Mr.Sanjay Mohan, Senior Counsel
For M/s.S.Ramasubramaniam and
Associates



JUDGMENT

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

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2. The workman, who was a Union Leader, was accused of having created disrepute to the Management by putting the idllis, made in the Canteen, in the Union Notice Board which was outside the factory premises. The charges were framed against him and a punishment of dismissal from service was imposed him. This led to the Industrial Dispute.

3. The Labour Court while agreeing with the Management that the action of the workman had brought a certain disrepute to the Management, however, concluded that capital punishment of dismissal from service is too onerous and shockingly disproportionate to the delinquency. On the said finding, the Labour Court exercise its power under Section 11-A of the Industrial Disputes Act, 1947 and imposed a lesser punishment of cut in

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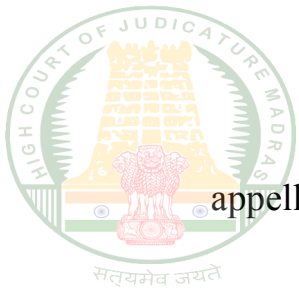
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increment as well as reinstatement without back wages. This was challenged by both the Management and the workman before the Writ Court.

4. The learned Single Judge also concurred with the views of the Labour Court and held that the punishment of dismissal for the proved delinquency would be too harsh.

5. Mr.Sanjay Mohan, learned counsel appearing for the appellant would submit that no doubt the Labour Court has got power under Section 11-A of the Industrial Dispute Act, 1947 to go into the quantum of punishment. A cut in one increment is too mild a punishment and this workman being a Union leader should not have behaved in such fashion. He would also submit that the object was not to rectify or to improve the quality of the food that has been supplied in the canteen but was to damage the reputation of the organization. This aspect was over looked by both the learned Single Judge and the Labour Court.

6. We have considered the submissions of the learned counsel for the



appellant.

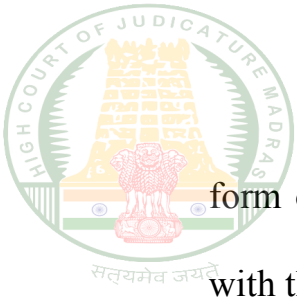
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7. The alleged delinquency is that the workman, not satisfied with the quality of the food supplied in the canteen, had put up the idllis in the notice Board of the Union. No doubt, this action would have the effect of damaging the reputation of the Management to a certain extent, at the same time we should also take note of the fact, the workman, though he was a Union Leader, has not chosen to make it a bigger protest and disturb the industrial climate in the factory. He had only exhibited his way of protest by putting up the idllis in the Notice Board of the Union for others to see the quality of the food that is supplied in the Canteen.

8. While considering the conduct of the workman, this Court should also look into the social status and the background, we cannot expect a same reaction from a qualified individual and a workman. May be a qualified individual, who occupies a position in the society, would not have even cared to complain about the quality of the food, but workman, as they are, who have to eat every day in the canteen will definitely show some



form of protest and just a form of protest cannot be a ground to dispense with the services of the workman.

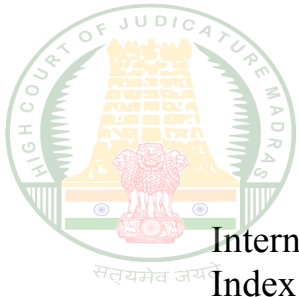
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9. Moreover, the jurisdiction of this Court under Article 226 of the Constitution of India, to interfere with the awards of the Labour Court is very limited and when this Court finds that the Labour Court had applied its mind to the material that was placed before it and reached a conclusion, such conclusion cannot be normally disturbed unless it is shown to be perverse. We are therefore unable to fault the learned Single Judge for having agreed with the conclusions of the Labour Court.

10. We see no merit in the Appeal. The Appeal fails and it is accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
02.07.2025

jv



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Internet : Yes

Index : No

Neutral Citation : No

Speaking order

To

1. II Addl. District Judge/
The Presiding Officer,
Labour Court,
Pondicherry.



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