



W.P.No.22387 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.22387 of 2014

1.N.Thillaiappan (Deceased)
2.T.Mahalakshmi
3.T.Karthikeyan
4.T.Deepalakshmi
5.N.Kanthammal ... Petitioners
[P2 to P5 substituted as LR of deceased 1st petitioner vide order
dt.16.09.2022 made in W.M.P.No.29543/2016 in W.P.No.22387/2014]

Vs.

1.The Presiding Officer,
The Principal Labour Court,
Vellore.

2.The Management of
M/s.Tamil Nadu Industrial Explosive Ltd.,
Tel Post, Vellore – 59. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Award dated 04.10.2011 passed in I.D.No.271 of 2010, quash the same and consequently, direct the 2nd respondent to reinstate the petitioner with continuity of service and with back wages and other attendant benefits.

For Petitioner : Mr.S.T.Varadarajulu



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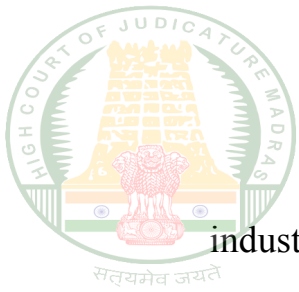
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For Respondents : Labour Court [R1]
Mr.M.A.Abdul Wahab
for M/s.K.V.Subramanian
Associates [R2]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the Award dated 04.10.2011 passed in I.D.No.271 of 2010, quash the same and consequently, direct the 2nd respondent to reinstate the petitioner with continuity of service and with back wages and other attendant benefits.

2. The case of the petitioners is that, the 1st petitioner/workman joined the services of the 2nd respondent as a unskilled workman in the year 1989 and his services were confirmed in the year 1991 and paid with a monthly salary of Rs.7,281/-. Due to ill-health, he was not able to attend the duty regularly, thereby he applied medical leave and took treatment, for which, charge memos were issued for absence and ordered for enquiry. The Enquiry Officer submitted his report and based on the report of the enquiry officer, he was terminated from service on 16.10.2002. Aggrieved by the same, the workman had raised an



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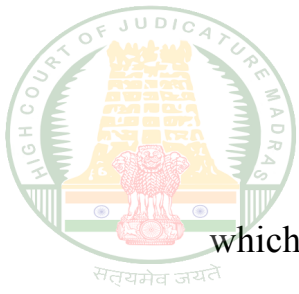
industrial dispute in I.D.No.271 of 2010 before the 1st respondent/Labour

WEB COURT and the same was dismissed vide award dated 04.10.2011.

Challenging the same, the present writ petition is filed before this Court.

3. Learned counsel for the petitioners submitted that, during the pendency of this writ petition, the 1st petitioner/workman passed away and his legal heirs impleaded themselves as party and contested this case. Further, he submitted that, for the misconduct of unauthorized absence, the 2nd respondent/management had ordered for dismissal which is highly disproportionate. Hence, he submitted that, this Court may fix a reasonable compensation for the service rendered by the deceased workman with the 2nd respondent/management, since he rendered 12 years of service with the 2nd respondent. Accordingly, he prays for appropriate orders.

4. Per contra, learned counsel appearing for the 2nd respondent/management submitted that, the workman is a chronic absentee and he continuously absented himself from duty. In the year 1998, he has taken 30½ days leave, for which, punishment of stoppage of increment was imposed. In the year 1999 – 2000, he has taken 30½ days leave, for



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which, counselling was given. Again, in the year, 2001, he has taken 17 days, 14 days and 11 days without any leave letter, for which, the charge memo was issued. Thereafter, he was continuously absent, thereby, after conducting appropriate enquiry, order of dismissal was passed on 16.10.2002. Though the order of dismissal was passed in the year 2002, however, the workman had raised the industrial dispute only after a lapse of eight year before the Labour Court. All those aspects were elaborately considered by the 1st respondent/Labour Court and dismissed the I.D. Apart from that, though the industrial dispute ended in the year 2011, however, after a lapse of three years, the workman had filed the present writ petition, which itself shows that the workman has not approach this Court with clean hands. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner as well as the 2nd respondent and also perused the materials available on record.

6. Admittedly, the 1st petitioner/deceased workman joined the services of the 2nd respondent/management as Unskilled workman in the year 1989 and for repeated unauthorized absence, he was terminated



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from service on 16.10.2002, against which, he raised a dispute before the Labour Court and the same was dismissed in the year 2011 itself. It is seen from the records that the order of dismissal was passed in the year 2002, however, the workman has chosen to file the industrial dispute in the year 2010 only, which is after a lapse of eight years. By considering the oral and documentary evidence and facts and circumstances of the case, the Labour Court had arrived at a conclusion that the punishment of dismissal ordered by the 2nd respondent/management is justified and not disproportionate to the misconduct committed by the workman, since he was given sufficient opportunity to mend his ways, however, he had committed the same misconduct repeatedly. Therefore, this Court is of the view that the Award passed by the Labour Court does not suffers any perversity and the dismissal of I.D. is fully justified and the same cannot be interfered with. Hence, the prayer sought for in this writ petition cannot be acceded to and the writ petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Speaking order / Non-speaking order



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Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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To

The Presiding Officer,
The Principal Labour Court,
Vellore.

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