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W.P.No.19044 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM :

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

W.P.No.19044 of 2022

and

WMP.No.18361 of 2022 and 2829 of 2023

Rajam Hotels Pvt Ltd
Represented by Authorised Signatory,
No.14, 2nd Street, Azeez Nagar,
Kodambakkam,
Chennai- 600 024.

...Petitioner

Vs.

D.Rajan

...Respondent

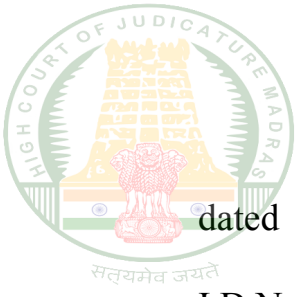
Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, calling for records of the Principal Labour Court, Chennai in I.D.No.103 of 2015 and quash its award dated 23.03.2022.

For Petitioner : Mr.Adarsh Levin
for M/s.T.S.Gopalan and Co.

For Respondent : Mr.P.Ramiah

ORDER

The petitioner has filed this Writ petition seeking to quash the award



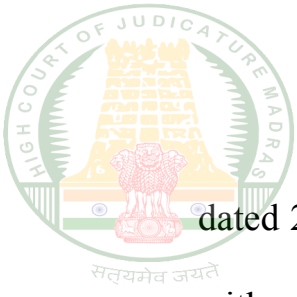
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dated 23.03.2022 passed by the Principal Labour Court, Chennai in
I.D.No.103 of 2015.

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2. Though the workman has filed W.M.P.No.2829 of 2023 is filed seeking to pay the future back wages of Rs.7365/- per month from 23.03.2022 to the petitioner, however, in view of the consent expressed by the learned counsel appearing on either side, the above writ petition is taken up for final disposal.

3. The case of the petitioner is that it is a private limited company, which operates Hotels and Amusement Parks and one such Amusement Park is located at Chennai in the name of Queensland Amusement Park. The respondent herein was initially recruited as an Office Assistant in the petitioner company and in the course of time, he got promotion and subsequently, he was promoted and designated as Guest Relations Manager. As against the alleged oral termination w.e.f. 01.10.2013, the respondent has raised an Industrial Dispute in I.D.No.103 of 2015 before the Labour Court, Chennai and the same was allowed in favour of the respondent vide award



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dated 23.03.2022 with a direction to the petitioner to reinstate the respondent with continuity of service, full backwages and other attendant benefits.

Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that, the respondent has not been denied employment on 01.10.2013 as alleged by the respondent, however, it was the respondent who himself did not turn up for work from 30.09.2013. He further submits that though the petitioner had sent several communications to the respondent and the last of which on 11.04.2022 informing him that he was being reinstated in terms of the award 23.03.2022 of the Labour Court, despite which, the respondent neither replied to the communication nor reported for work till date. When the respondent / employee leaves his job without notice, with no intention of returning, the Labour Court ought not to have awarded backwages to the respondent. Accordingly, he prayed for passing appropriate orders.

5. The learned counsel for the respondent submits that the respondent was appointed as Office Assistant on 09.01.2003 with the responsibility to



work in accounts / administration. On the basis of the service rendered by the respondent, the petitioner management has enhanced the salary of the petitioner to Rs.25,000/- per month. He further submits that all of a sudden the respondent was orally terminated on 01.10.2013, however, the respondent is still ready and willing to work with the petitioner management. Upon appreciation of oral and documentary evidence, the Labour Court has ordered for reinstatement with continuity of service, full backwages and other attendant benefits which does not require any interference.

6. On the above said contentions, heard learned counsel appearing on behalf of the petitioner and the respondent and perused the materials available on record.

7. Admittedly, the respondent herein was initially recruited as an Office Assistant in the petitioner company and it is alleged that his last drawn wages was Rs.25,000/- per month. It is the contention of the learned counsel for the petitioner that the respondent abandoned his employment from 31.09.2013 without any legal notice, which cannot be termed as termination



and also that as per the evidence of M.W.1, the last drawn salary of the respondent was only Rs.7,365/-, which has not been contended by the respondent. It is pertinent to note that the respondent is ready and willing to work with the petitioner management. Though the petitioner management has sent several letters to the respondent informing him that he was being reinstated in terms of the award 23.03.2022 of the Labour Court, despite which, the respondent neither replied to the communication nor reported for work till date. However, without considering the same, the Labour Court has ordered for full back wages which is per se unsustainable. Therefore, in order to put a quietus to the *lis*, this Court is inclined to pass the following order and the award passed by the Labour Court is modified as hereunder:

(i) The respondent / workman is directed to report to duty in the petitioner management, within a period of one (1) week from the date of receipt of a copy of this order.

(ii) The petitioner management is directed to reinstate the respondent with continuity of service from the date of refusal of service till the date of reinstatement. It is made clear that the respondent is not entitled for any back wages.



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8. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

11.03.2025

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To
The Principal Labour Court, Chennai.

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