



WEB COPY



W.P.No.28225 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28225 of 2019

and

W.M.P.No.27890 of 2019

Management of Glad Engineering Works,
represented by its Proprietor R.T.Robinston,
No.4/473, Kundrathur Main Road,
Kovur, Chennai – 602 101.

...Petitioner

Vs.

V.Loganathan

...Respondent

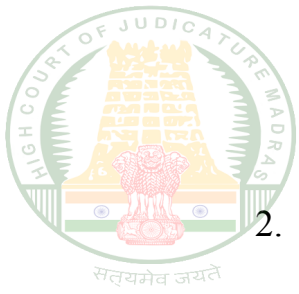
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating the award dated 1.02.2019 passed in I.D.No.99 of 2011 by the Presiding Officer, II Additional Labour Court at Chennai in so far as reinstatement of service alone and quash the same.

For Petitioner : Mr.S.Jeevanantham

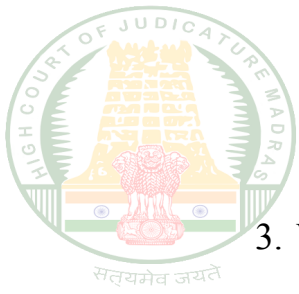
For Respondent : Mr.K.Bharathi

ORDER

Aggrieved by the award passed by the II Additional Labour Court, Chennai in I.D.No.99 of 2011, dated 01.02.2019, the petitioner management has preferred this writ petition.



2. The respondent was appointed in the petitioner management on 12.07.1998 as Machinist. It is the case of the management that he absented himself without prior intimation between 13.08.2010 and 13.09.2010. After receiving salary for the month of August 2010, the respondent absented himself from duty. However, he raised an industrial dispute stating that he has been terminating from service and sought for reinstatement. The management took a stand before the labour court that it was the respondent, who stay away from work and the petitioner was always willing to accommodate him into service provided he gave an undertaking that he would not avail leave without getting prior permission. But the labour court on an analysis of the material available before it, found that the management had not followed the due process of law. Even if the respondent had stay away from work, the management ought to have charge sheeted him for unauthorized absence, appointed enquiry officer and conducted domestic enquiry. Since the said procedure was not followed, which was also accepted by the management witness before the labour court, the labour court had directed the reinstatement of the respondent with continuity of service and awarded 50% of backwages for the period between August 2010 and January 2018. Vide the said order, the labour court had reinstated the respondent with continuity of service and 50% of backwages, however, the petitioner is restricting the prayer only insofar as the reinstatement of service.



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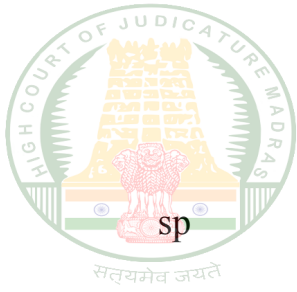
3. When the matter was taken up for hearing, learned counsel appearing for the respondent at the outset submitted that the respondent is facing health issues and therefore, he would be in a position to rejoin the services. Therefore, he prayed that in lieu of reinstatement and backwages, this Court may award lumpsum compensation.

4. Though the petitioner did not agree for the said offer, for unauthorized absence, dismissal from service is highly disproportionate, hence this Court with a view to give quietus to the whole issue, directs the petitioner to pay lumpsum compensation of Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent in full quit, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that the respondent would not be entitled for any sum under any head in the future from the petitioner management.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

08.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No



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M.DHANDAPANI, J.

sp

To

The II Additional Labour Court,
Chennai.

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