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W.P.No.28820 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.28820 of 2014
and M.P.No.1 of 2014**

The Proprietor, (Died)
Vijaya Chemicals and Toilet Works (A.P.)
No.23, Panchalai Amman Koil Street,
Arumbakkam,
Chennai-600 106.

D.V.Saroja

... Petitioner

*(*D.V.Saroja has been substituted as the legal heir of the petitioner vide order dated 25.02.2025 made in W.M.P.No.28789 of 2022 in W.P.No.28820 of 2014*)*

Vs.

1.The Presiding Officer,
III Additional Labour Court, Chennai.

2.N.C.Sudersanam

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the first respondent in I.D.No.252 of 2003 including the award dated 03.09.2014 and quash the same.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : R1-Court
R2-No-appearance

ORDER

This Writ Petition has been filed challenging the award dated 03.09.2014 passed in I.D.No.252 of 2003 by the first respondent.

2. The facts of the case are that the second respondent was appointed as Office Assistant in the petitioner Company in the year 1996 and he was in service upto the year 2002 and thereafter, he was orally terminated. He raised I.D.No.252 of 2003 before the Labour Court challenging the oral termination and the Labour Court ordered for reinstatement with 25% backwages. Challenging the same, the present Writ

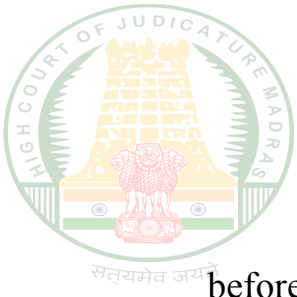


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Petition has been filed.

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3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that during the pendency of this writ petition, the Proprietor of the Company, namely, D.V.Nagendranath Gupta passed away and subsequently, his wife substituted herself. When the matter came up for admission on 05.11.2014, this Court granted interim stay on condition that the petitioner shall deposit 25% backwages to the second respondent, against which, the petitioner preferred W.A.No.1617 of 2014 before this Court and the Hon'ble Division Bench of this Court directed the petitioner to deposit 25% backwages to the second respondent/employee, pursuant to which, a sum of Rs.1,49,000/- was deposited on 13.03.2018 to the credit of W.P.No.28820 of 2014 before the Registrar General of this Court. However, due to the death of the Proprietor of the Company, the Company was closed long back and therefore, there is no possibility for reinstatement. Even though the second respondent has not represented



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before this Court, this Court may fix the said sum of Rs.1,49,000/- which was already deposited by the petitioner as compensation and may direct the Registrar General of this Court to deposit the said sum of Rs.1,49,000/- before the Labour Court.

4. Heard the learned counsel appearing for the petitioner. Though notice was sent to the second respondent, no one appeared on behalf of the second respondent.

5. Considering the submissions made by the learned counsel appearing for the petitioner and the fact that the Company was closed long back, ordering for reinstatement would not serve any purpose. Since the petitioner has already deposited a sum of Rs.1,49,000/- before the Registrar General of this Court pursuant to the order passed by this Court, this Court fixes the said sum of Rs.1,49,000/- as compensation to the second respondent. The Registrar General of this Court is directed to deposit the said sum of Rs.1,49,000/- with accrued interest to the credit of



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I.D.No.252 of 2003 before the III Additional Labour Court, Chennai. On such deposit, the III Additional Labour Court, Chennai, is directed to disburse the said amount to the second respondent.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

25.02.2025
(½)

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

To
The Presiding Officer,
III Additional Labour Court, Chennai.



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M.DHANDAPANI, J.

ssb

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25.02.2025
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