



WEB COPY

WP No. 30196 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 30196 of 2019

AND

WMP NO. 30166 OF 2019

1. The Management of
M/s Tavron Engineers, No. 38/42, Arul
Murugan Nagar, Vichoor Post, Manali
New Town, Chennai - 600 103

Petitioner(s)

Vs

Devaraj
S/o. Kumarasamy, No. 34, Mudhaliar
Street, Annupampattu - 601 203

Respondent(s)

WP No. 30196 of 2019

PRAYER

Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari to call for the records culminated in the impugned Award dated 22.04.2019 made in I.D.No. 1 of 2018 on the file of the 1st additional Labour Court, Chennai and quash the same.

For Petitioner(s): Mr. V. Govardhanan For
 M/s.G.Mohammed Aseef,



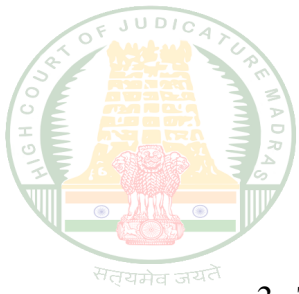
For Respondent(s): M/s.S.Raghupathi

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ORDER

This writ petition has been filed seeking to quash the impugned Award dated 22.04.2019 made in I.D.No. 1 of 2018 on the file of the 1st additional Labour Court, Chennai.

2. It is the case of the petitioner that the respondent has filed an industrial dispute in LD.No.1 of 2018 seeking reinstatement, continuity of service along with backwages and in his petition he has submitted that he was employed with the petitioner company on 17.04.2013 as Turner who was drawing a salary of Rs.12,000/- per month. To the shock and surmise of the respondent, he was terminated on 24.08.2016 without being issued with a proper notice. However, the conciliation ended in failure and the Labour Court vide order dated 22.04.2019 without considering the evidence available on record had passed an order directing reinstatement with continuity of service, backwages and attendant benefits. Challenging the same, the present writ petition has been filed.



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3. The learned counsel for the petitioner / management submits that the respondent joined the services of the petitioner company only on a temporary basis as coolie during January 2013, however, he was frequently absenting himself from duty and has not adhered to the terms and conditions of the petitioner management. Subsequently after a lapse of three years, he raised an industrial dispute on the ground of oral termination and the Labour Court without considering the oral and documentary evidence had directed the petitioner to reinstate the respondent in service along with statutory benefits which is *per se* unsustainable. Therefore, he prayed to allow this writ petition.

4. The learned counsel for the respondent submits that though the respondent was working continuously under the petitioner management from 17.04.2013 to 24.08.2016, however, without issuing any notice the respondent was terminated from service which is highly disproportionate. Whiles, the industrial dispute has been raised before the Labour Court and the Labour Court upon appreciation of the oral and documentary evidence, had passed the said award which does not warrant any interference. Hence, he prayed to dismiss the



writ petition.

WEB COPY 5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials placed before it.

6. Though the respondent states that he was working continuously as a Turner from 17.04.2013 to 24.08.2016 under the petitioner company, however, the petitioner management states that the respondent was continuously absenting himself from duty and they also claim that the respondent was engaged on a temporary basis. In order to disprove the claim of the petitioner management, the respondent marked Exs. W1 to W.3 before the Labour Court, however, the petitioner management has not marked any documents. In view of the misconduct committed by the respondent, there was a strain relationship in between the petitioner management and the respondent-workman and also considering the service rendered by the respondent, this Court with a view to give quietus to the whole issue, directs the petitioner management to pay lumpsum compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the respondent in full quit in lieu of reinstatement, within a period of eight (8) weeks from the date of receipt of a copy of this order.



7. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

22-04-2025

RAP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Ist additional Labour Court, Chennai



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M.DHANDAPANI J.

RAP

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