



W.P.Nos.27959 of 2019 and 33714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 24.10.2025

ORDER PRONOUNCED ON : 21.11.2025

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.Nos.27959 of 2019 and 33714 of 2023
and WMP.No.27545 of 2019

M/s.Aquasub-Engineering,
Represented by its Managing Director
Mr.Kumaravelu
Tudiyalur, Coimbatore – 641 034.

N.Ayyasamy

N.Ayyasamy

... Petitioner in WP No.27959 of 2019

... Petitioner in WP No.33714 of 2023

Vs.

...Respondent in WP No.27959 of 2019

M/s.Aquasub-Engineering,
Represented by its Managing Director
Mr.Kumaravelu,
Tudiyalur, Coimbatore – 641 034.

... Respondent in WP No.33714 of 2023

Prayer in WP No.27959 of 2019: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, to call for the records from the Principal Labour Court, Coimbatore, in I.D.No.85 of 2014 and quash the Award, dated 22.11.2018 passed by the Principal Labour Court, Coimbatore.



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Prayer in WP No.33714 of 2023: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in I.D.No.85/2014 passed by the Hon'ble Principal District Labour Court, Coimbatore dated 22.11.2018 and quash the same and direct the Respondent Management to provide the terminal benefits of Rs.17,15,215.51 as the petitioner attained superannuation to the petitioner.

For Petitioner
in WP No.27959 of 2019 :Mr.Prasad Vijaya kumar
for Mr.V.Jayaraman

For Respondent
in WP No.27959 of 2019 :Mr.V.Sivakumar

For Petitioner
in WP No.33714 of 2023 :Mr.V.Sivakumar

For Respondent
in WP No.33714 of 2023 :Mr.Prasad Vijaya kumar
for Mr.V.Jayaraman

COMMON ORDER

WP No.27959 of 2019 is filed challenging the award of the Labour Court dated 22.11.2018, passed in I.D.No.85 of 2014.



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WP No.33714 of 2023 is filed to call for the records in I.D.No.85 of 2014 passed by the Principal District Labour Court, Coimbatore dated 22.11.2018 and quash the same and direct the Respondent Management to provide the terminal benefits of Rs.17,15,215.51/- to the petitioner, as he attained superannuation.

2. Since both the writ petitions are filed challenging the same award, the writ petitions are disposed of by this Common order.

3. The petitioner in WP No.27959 of 2019 will be referred to as the petitioner and the respondent in the said writ petition will be referred to as the respondent. Whereas the petitioner has assailed the award in so far as it grants compensation, the respondent has questioned the award to the extent it denies reinstatement with monetary benefits.

4. The brief facts leading to the writ petitions are as follows:

The petitioner is a company engaged in manufacture of special type of pumps called Aqua Pumps. The respondent was employed as a driver in the petitioner company. On 08.08.2014, the petitioner received a complaint against the respondent



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regarding the theft of 10 liters of diesel from the company's vehicle. On receipt of the complaint, the officials of the petitioner enquired the respondent on the same evening. The respondent in the said enquiry admitted the theft, sought pardon, and also voluntarily submitted his resignation. The petitioner accepted the resignation and settled the terminal benefits of the respondent. Thereafter, the respondent caused legal notice to the petitioner on 22.08.2014, seeking reinstatement and in the alternative sought compensation of Rs.5 lakhs. The petitioner sent a detailed reply on 08.09.2014. The respondent thereafter raised a dispute which was referred by the Government, for adjudication and taken on file by the Principal Labour Court, Coimbatore, in I.D.No. 85 of 2014. The Labour Court on the basis of the evidence, both oral and documentary filed by the petitioner as well as the respondent, passed the impugned award directing the petitioner to pay compensation of Rs.3 lakhs, to the respondent, along with 6% interest per annum, in lieu of reinstatement. Aggrieved by the impugned award, the petitioner has filed the above writ petition for the aforesaid relief.

5. The learned counsel for the petitioner submitted that the award of the



Labour Court was vitiated by material errors apparent on the face of the record. The learned counsel, submitted that the Labour Court failed to note that the respondent had voluntarily submitted his resignation under Ex.M6, on 08.08.2014, with a view to avoid disciplinary and criminal proceedings. The learned counsel further submitted that the Labour Court failed to note that the respondent failed to discharge the burden cast on him of proving that Ex.M6 and Ex.M7 letters, were obtained from him under duress and coercion. The learned counsel further submitted that the Labour Court erred in its finding that the petitioner failed to prove the settlement of terminal benefits to the respondent. The learned counsel for the petitioner in reply to the respondent's writ petition in WP No.33714 of 2023, submitted that it deserved to be dismissed *in-limini* on the short ground of delay and laches. The learned counsel submitted that the Labour Court failed to appreciate the evidence filed by the petitioner in proper perspective and therefore, the award of the Labour Court deserved to be set aside.

6. The learned counsel for the respondent on the other hand submitted that the Labour Court rendered its factual findings on proper appreciation of evidence on record and therefore, this Court should not interfere with the same. The learned



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counsel further submitted that the Labour Court erred in awarding compensation in lieu of reinstatement, despite its own finding that the termination was illegal. The learned counsel therefore prayed that the petitioner's writ petition in WP No.27959 of 2019, may be dismissed and the respondent's writ petition in WP No.33714 of 2023, may be allowed.

7. I heard both the learned counsels and perused the materials placed on record.

8. The writ petition filed by the petitioner in WP No.27959 of 2019, is considered first, as the result of this writ petition, would have a bearing on the writ petition of the respondent in WP No.33714 of 2023.

9. The Labour Court found fault with the petitioner for not examining the security officer and store officer, who were present at the time of enquiry of the respondent and for not mentioning the name of the person who initially informed about the theft in its reply notice in Ex.W5. The Labour Court rejected the plea of resignation of the petitioner on the premise that there was no proof of acceptance of



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the alleged resignation by the petitioner, and that even on the payment of terminal benefits, except for the payment of a meager amount of Rs.14,510/-, there was no proof to support the petitioner's contention that the entire terminal benefits were settled. The said findings of the Labour Court are assailed by the petitioner, on the ground that the Labour Court failed to appreciate the evidence on record in proper perspective.

10. At the outset it is noted that the Labour Court failed to consider that the initial burden to prove the illegal termination was on the respondent and only on proof of the same the burden would shift on the petitioner to prove voluntary resignation. Though the respondent claimed that on 11.08.2014, when he reported for duty, the security refused to permit him to attend duty, there was no reliable evidence, except the *ipsi dixit* of the respondent to prove the same. The Labour Court without any documentary evidence assumed that a termination order was passed. The Labour Court's assumption that the respondent was terminated under termination order dated 11.08.2014, is absolutely absurd, since Ex.W5, dated 11.08.2014, is only a cash voucher receipt. Be that as it may, let me consider the petitioner's plea of voluntary resignation.



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11. In support of the plea of voluntary resignation, the petitioner relied on Ex.M6, Ex.M7, Ex.M10, Ex.M11 and Ex.M12. The Labour Court rejected Ex.M6 (resignation letter) and Ex.M7, on the ground that the endorsements made under Ex.M6 and Ex.M7 raised a suspicion on their validity. The Labour Court erroneously assumed that Ex.M7 was a relieving letter, overlooking that in fact both Ex.M6 and Ex.M7 were letters for voluntarily resignation. In my view, the Labour Court's appreciation of the evidence on record, is erroneous and unsustainable.

12. The factual matrix is that on 08.08.2014, the respondent submitted two letters of resignation i.e. Ex.M6 and Ex.M7. In Ex.M6, the Vice President endorsed as “ Kindly relieve him with immediate effect”. On the same day, the respondent also submitted Ex.M7, seeking voluntary resignation and also prayed to be relieved without any punishment. Therefore, in Ex.M7, an endorsement was made by M.W1, as “Not to take any action”. Thereafter on 09.08.2014, under Ex.M12, the respondent sought terminal benefits in cash and in the said letter an endorsement was made stating “Pay cash as required”. The petitioner in pursuance of the respondent's letters dated Ex.M6 and Ex.M7, issued the acceptance letter under Ex.M10. The



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respondent also signed the letter in acknowledgment of its receipt. The signature of the respondent was admitted by him and marked as Ex.M1. In view of Ex.M10 and Ex.M1, the Labour Court's finding, that there was no proof to show that the resignation was accepted is perverse. It is further pertinent to note here that through the respondent admitted his signatures in Ex.M6, Ex.M7, Ex.M10, Ex.M11 and Ex.M12, he pleaded that he was coerced into executing the documents and so the burden lay on the respondent to prove coercion. Absolutely no evidence was filed to substantiate the plea. It is trite that mere pleading without proof is of no avail. In the light of the documentary evidence filed by the petitioner, the finding of the Labour Court that the petitioner did not prove voluntary resignation cannot be sustained, moreso, when the respondent failed to prove coercion.

13. As regards payment of terminal benefits, it is seen that under Ex.M12, the respondent requested for payment in cash. The signature in Ex.M12 dated 09.08.2014, was admitted and it was marked as Ex.M4 and in the said letter an endorsement "Pay cash as required" was made. Pursuant to the respondent's request under Ex.M12, his terminal benefits were settled. The Labour Court accepted the payment of Rs.14,510/-, but as regards the payment of Rs.1,99,734/- towards



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gratuity, the Labour Court found that the respondent had not signed on revenue stamp, and therefore held that the amount was not paid. The said finding is also patently erroneous since under Ex.M5 series, the revenue stamped receipt acknowledging receipt of Rs.1,99,734/- is found. Based on the above misconception and mis-appreciation of the evidence on record, the Labour Court rejected the petitioners plea of voluntary resignation. This Court is of the view that the findings of the Labour Court based on erroneous appreciation of the materials on record is perverse and hence, the award of the Labour Court cannot be sustained. The evidence on record clearly establishes that the respondent had voluntarily resigned and hence there was no question of any termination by the petitioner.

14. For all the above reasons, I find merit in the writ petition in WP No.27959 of 2019, and hence, the same is allowed and the Award dated 22.11.2018, passed in I.D.No.85 of 2014, is quashed. Since the writ petition of the petitioner in WP No.27959 of 2019, is allowed, the writ petition filed by the respondent in WP No.33714 of 2023 is dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.



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21.11.2025

Index:Yes/No
Speaking Order: Yes/No
Neutral Citation:Yes/No
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To

The Principal Labour Court,
Coimbatore.



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N.MALA,J.

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Order in W.P.Nos.27959 of 2019 and 33714 of 2023

Order Pronounced on 21.11.2025