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W.A.No.3378 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.No.3378 of 2025

and

C.M.P.No.27486 of 2025

The Managing Director,
M/s.Hindustan Unilever Ltd.
(Detergent Factory)
NH-45 Vadamangalam,
Puducherry – 605 004.
Rep. By its Authorised Signatory
Mr.Raghunath Seshadri

...Petitioner

Vs

P.Jothilingam (Deceased)

- 1.Chitra
- 2.Karthika
- 3.Vinothini
- 4.Kaviyan
- 5.Visalatchi

...Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 29.09.2023 passed in W.P.No.19654 of 2018 to the extent it directs terminal benefits of the deceased Jothilingam.

For Petitioner : Mr.Jose John
for M/s.King and Patridge

For Respondents : Ms.Ramapriya Gopalakrishnan

JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH,J.)

With the consent of both the parties, this Writ Appeal is taken up for final disposal at the admission stage itself.

2. Under the charge memo dated 13.01.2014, the late employee, namely P.Jothilingam, was reported to have been habitually and unauthorizedly absenting himself from duty, for a period of 259 days between 01.01.2013 and 31.12.2013. The charge was held to be proved during the course of inquiry and after issuance of second show cause notice, he was dismissed from service on 29.04.2014. When the workman had challenged the dismissal order before the Industrial Tribunal cum



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Labour Court, Puducherry (hereinafter referred to as “the Tribunal”) in

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I.D.No.30 of 2015, the Tribunal passed a preliminary Award holding that the domestic inquiry conducted by the Management was in a fair and proper manner. Consequently, on the strength of the materials placed before the Enquiry Officer, it was held that the punishment of termination was disproportionate to the leveled charges and accordingly had modified the punishment to stoppage of five increments for the period between 2013 and 2017 with cumulative effect and with a consequential direction to reinstate the workman with continuity of service, but without back wages and other attendant benefits, through the Award dated 25.04.2018.

3. When the Management had challenged the Award before the Writ Court in W.P.No.19654 of 2018, the workman had expired pending the Writ Petition and his legal heirs/respondents herein were impleaded. Since the Tribunal had modified the punishment, only on the ground of disproportionateness, the Writ Court had also recorded that the workman



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had rendered long years of service in the appellant-Management and since the punishment was merely on unauthorized absence, had recorded that the punishment shocks the conscience of the Court as being disproportionate to the charges and dismissed the Writ Petition, through the impugned order dated 29.09.2023.

4. The learned counsel appearing for the appellant-Management predominantly argued that the deceased workman had been repeatedly committing similar delinquencies on multiple occasions and that the Tribunal was carried away on the ground of sympathy, since he has been working for more than 16 years. According to him, the workman had committed several acts of misconduct of unauthorized absence from the year 2002 onwards, which vital factors have been ignored. According to the learned counsel, the long years of service will not be a mitigating circumstance for modification of the punishment, but rather the past adverse services would be relevant to determine the validity of the



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punishment.

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5. It is not in dispute that the deceased workman had put in more than 16 years of service with the appellant Management. The enquiry against him also has been recorded to have been conducted in a fair and proper manner. The only ground on which the Tribunal had modified the punishment was that the punishment was not proportionate to the proven charges. For justifying the modification, the Tribunal had also appreciated the evidences before it and found that the workman had admitted the misconduct before the Enquiry Officer and had also rendered reasons for his absence owing to illness and other family circumstances.

6. Insofar as the past adverse service remarks are concerned, the Tribunal had found that in all the instances where it was alleged that the workman was indulging in irregular and erratic attendance, no punishments were imposed at all against him. This apart, the Tribunal had



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also found that even though there was a complaint of irregular and erratic

attendance against him, the Management had granted him a good service

award on 12.07.2013. In light of these factors, the Tribunal had come to

the conclusion that the punishment was disproportionate to the charges.

7. The learned Single Judge had also found that the punishment was shocking to the conscience of the Court and thereby had come to the conclusion that it was disproportionate to the charges. Since there was no perversity in the findings rendered by the Tribunal, the Court had recorded that the modified punishment awarded by the Tribunal was just and proper and accordingly dismissed the petition.

8. The main ground raised by the learned counsel for the appellant Management that owing to the past services, the workman deserves to be dismissed from service, has already been answered by the Tribunal on the strength of the evidence before it, which Award was also confirmed by the



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Writ Court. Thus, it would not be justifiable to interfere with these orders

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at the Writ Appeal stage.



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9. Accordingly, the Writ Appeal stands dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R, J.] [V.L.N, J.]

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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