



WEB COPY



W.P.Nos.30929, 28648 & 29210 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.Nos.30929, 28648 & 29210 of 2019

L.P.Srisivassailam ...Petitioner in W.P.No.30929 of 2019

V.J.Kumar ...Petitioner in W.P.No.28648 of 2019

K.S.Ravindran ...Petitioner in W.P.No.29210 of 2019

Vs.

M/s.R.R.Donnelley India Outsource Private Ltd.,
Rep. by its Authorised Signatory,
No.43A, 1st Main Road,
Chennai – 600 028.

...Respondent in all W.P's.

Prayer in W.P.No.30929 of 2019: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records connected in I.D.No.44 of 2015 dated 12.02.2019 passed by the learned Presiding Officer, II Additional Labour Court, Chennai, dismissed the claim petition in I.D.No.44 of 2015, quash the same and also direct the respondent/Management to reinstate the petitioner with back wages and all other attendant benefits.

Prayer in W.P.No.28648 of 2019: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records connected in I.D.No.158 of 2011 dated 08.01.2019



W.P.Nos.30929, 28648 & 29210 of 2019

passed by the learned Presiding Officer, II Additional Labour Court, Chennai, dismissed the claim petition in I.D.No.158 of 2011, quash the same and also direct the respondent/Management to reinstate the petitioner with back wages and all other attendant benefits.

Prayer in W.P.No.29210 of 2019: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records connected in I.D.No.66 of 2011 dated 14.02.2019 passed by the learned Presiding Officer, II Additional Labour Court, Chennai, dismissed the claim petition in I.D.No.66 of 2011, quash the same and also direct the respondent/Management to reinstate the petitioner with back wages and all other attendant benefits.

In all W.P's.:

For Petitioner : Mr.P.Venugopal

For Respondent : Mr.P.Raghunathan
for M/s.T.S.Gopalan and Co.

COMMON ORDER

Since the issue involved in these writ petitions are interconnected, with the consent of the learned counsel appearing for the parties, these writ petitions are heard together and disposed of by way of this common order.

2. For brevity, the petitioner in the all the writ petitions are



W.P.Nos.30929, 28648 & 29210 of 2019

hereinafter referred to as 'the workmen' and the respondent in all the writ petitions are hereinafter referred to as 'the management'.

3. It is the case of the workmen that, they were working under the management from 09.05.2006 to 02.12.2013, 04.02.2002 to 03.02.2011 and 01.05.2004 to 02.11.2020 respectively under various capacities without any stigma. Whiles, their services were illegally terminated on 02.12.2013, 03.02.2011 & 02.11.2010 respectively on the ground of alleged under performance. Aggrieved by the same, the respective workmen have raised disputes before the labour court in I.D.Nos.44 of 2015 and 158 & 66 of 2011 respectively. The labour court, without considering any of the above said facts, had mechanically dismissed the said disputes, vide impugned awards dated 12.02.2019, 08.01.2019 and 14.02.2019 respectively. Challenging the same, the present writ petitions have been filed.

4. Learned counsel for the workmen submitted that, the management is a foreign BPO Company and the above act of the

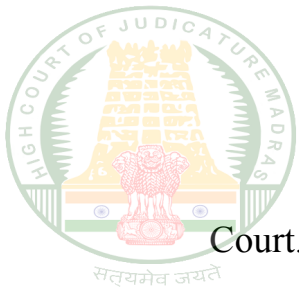


W.P.Nos.30929, 28648 & 29210 of 2019

WEB COPY

management in dismissing the respective workmen, after extracting work for about seven to nine years is nothing but an unfair labour practice in order to deprive the rights of the workmen under the Labour law. Whenever, the management dislikes any of the workmen, they intentionally terminate their services on the alleged ground of poor or under performance. However, without considering the above aspects, the labour court had dismissed the Industrial disputes raised by the respective workmen, vide impugned awards and even failed to award any compensation, which is wholly unsustainable. Accordingly, he prayed for appropriate orders.

5. Countering the above stand, the learned counsel appearing on behalf of the management submitted that, being a foreign BPO company, it is crucial for the management to satisfy its foreign clients in order to generate employment opportunities and as the workmen herein having underperformed and failed to satisfy the foreign clients, the management had terminated the services of the workmen, which cannot be said to be erroneous and the Labour Court, considering all the materials in proper perspective has passed the said orders, which are speaking and reasonable orders and the same does not require any interference at the hands of this



W.P.Nos.30929, 28648 & 29210 of 2019

Court. Accordingly, he prayed for dismissal of these Writ petitions.

WEB COPY

6. Heard learned counsel on either side and perused the materials available on record.

7. When the matters were taken up for hearing, this Court, considering the issue involved and the passage of time from the date on which the workmen were dismissed from service, as more than a decade has passed since the orders of dismissal, had suggested that the matters may be settled by the parties by paying a consolidated amount, as no useful purpose would be served in continuing the litigation, as by now some of the workmen would have crossed the age of superannuation and they having not been in service, on the basis of no work no pay would not be entitled for backwages and all through these years, the workman would not have remained unemployed, as they would definitely have to have eked their livelihood by being employed elsewhere, however, the learned counsel appearing for the parties were not inclined to come for a settlement and, therefore, did not consent to an order for settlement, as proposed by this Court.



W.P.Nos.30929, 28648 & 29210 of 2019

8. Though consent has not been given by the parties, however, this

WEB COURT, sitting under Article 226 of the Constitution, is required to render substantial justice and in view of the facts narrated above and the sequence of events that have passed through a decade, when the parties have been fighting out their rights before the judicial forum, this Court, in exercise of its powers if inclined to direct the respondent-management to pay a lumpsum towards full quit as settlement.

9. Accordingly, this Court without interfering with the respective awards of the Labour Court, directs the respondent-management to pay a sum of Rs.5,00,000/-(Rupees Five Lakhs only) as settlement, in full quit in favour of each of the petitioner/workman within a period of four weeks from the date of receipt of a copy of this order.

10. It is brought to the notice of this Court that pending writ petitions, the petitioner/workman in W.P.No.28648 of 2019 had passed away on 06.12.2022. In view of the above, the respondent-management is directed to pay the above compensation fixed by this Court in respect of the deceased workman in favour of his legal heirs.



W.P.Nos.30929, 28648 & 29210 of 2019

11. With the above observations and directions, these Writ petitions stand disposed of. No costs. Consequently, the connected Miscellaneous petitions, if any, are closed.

29.04.2025

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

The Presiding Officer,
II Additional Labour Court,
Chennai.

M.DHANDAPANI, J.

skt



WEB COPY



W.P.Nos.30929, 28648 & 29210 of 2019

W.P.Nos.30929, 28648 & 29210 of 2019

29.04.2025