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W.P.Nos.33977 of 2023 and 9579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.Nos.33977 of 2023 and 9579 of 2025
and W.M.P.No.10739 of 2025**

Prayer in W.P.No.33977 of 2023

P.Vijayakumar

... Petitioner

Vs.

The Management,
Tata Coffee Limited,
Anamallais Group Office,
Old Valparai Post,
Coimbatore-642 127.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pursuant to the award dated 20.06.2023 made in I.D.No.25 of 2021 on the file of the Additional Labour Court, Coimbatore, quash the same and consequently, direct the respondent to reinstate the petitioner in service with full backwages and other attendant benefits from the date of 27.01.2020.



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For Petitioner : Mr.A.Deivasigamani
for Mr.S.Saravanan

For Respondent : Mr.Sai Srujan Tayi

Prayer in W.P.No.9579 of 2025

The Management,
Tata Coffee Limited,
Anamallais Group Office,
Old Valparai Post,
Coimbatore-642 127.

... Petitioner

Vs.

P.Vijayakumar

... Respondent

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 relating to the award passed in I.D.No.25 of 2021 on the file of the Additional Labour Court, Coimbatore.

For Petitioner : Mr.Sai Srujan Tayi

For Respondent : Mr.A.Deivasigamani
for Mr.S.Saravanan



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COMMON ORDER

For the sake of brevity, the parties are referred to as the Management and the employee respectively.

2. These Writ Petitions have been filed challenging the award passed by the Additional Labour Court, Coimbatore, in I.D.No.25 of 2021, by which, the Labour Court has ordered for retrenchment amount of Rs.2,75,000/- to the employee.

3. The brief facts required for disposal of these writ petitions are that the employee was employed as Assistant Factory Officer by the Management and he was involved in the theft of pepper crop within the Estate which was in violation of Clause 21(7) of the Certified PAT Joint Standing Order for Estate Staff. Explanation was sought for and the employee admitted voluntarily and unconditionally that he had instructed the concerned worker to collect pepper from the vacant Factory Officer's

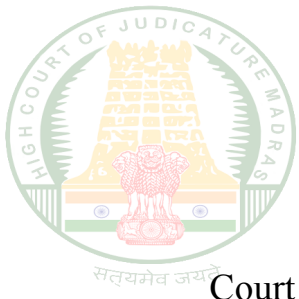


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quarters. Since the charges were admitted by the employee himself, he was dismissed from service. Challenging the dismissal order, the Industrial Dispute was filed by the employee before the Labour Court and both the parties submitted oral and documentary evidence. After considering the same, the Labour Court taking into consideration that the approval petition filed for dismissal of service by the petitioner Management is pending before the National Tribunal, Kolkata and that the employee had served for more than 25 years in the cadre of Assistant Factory Officer, came to a conclusion that the action taken by the Management is illegal. Moulding so, the Labour Court ordered for retrenchment compensation at the rate of 15 days salary for every completed years of service and thereby, a total compensation of Rs.2,75,000/- was directed to be paid to the employee by the Management by way of compensation.

4. Challenging the award of compensation, the Management has filed a writ petition in W.P.No.9579 of 2025 and the employee is before this



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Court challenging the denial of relief of reinstatement of service along with backwages in W.P.No.33977 of 2023.

5. Heard Mr.Sai Srujan Tayi, learned counsel appearing for the Management and Mr.A.Deivasigamani, learned counsel representing Mr.S.Saravanan, learned counsel appearing for the employee.

6. Admittedly, the employee had indulged in a theft within the premises. Eventually, by way of explanation to the show cause notice, the employee had himself admitted that he had instructed the said staff to collect the pepper from the vacant Factory Officer's quarters and keep it in the factory premises. Since the charges were admitted by the employee, he was dismissed from service by the Management. Thereafter, the approval petition was filed by the Management which was pending before the National Tribunal, Kolkata. However, the Management has not given a second show cause notice to the petitioner before serving the order of dismissal and the principles of natural justice were not followed by the



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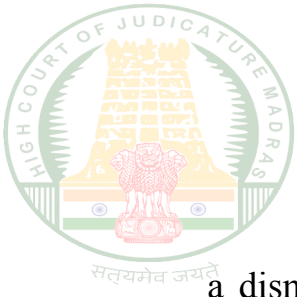
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Management while dealing with the allegations levelled against the petitioner and the order of dismissal cannot be passed without initiating any domestic enquiry by the Management. For the said reason, the Management cannot challenge the award passed by the Labour Court.

7. With respect to W.P.No.33977 of 2023, wherein the employee challenged the denial of reinstatement of service along with full backwages and other attendant benefits, it is clear that the misconduct committed by the employee is considered as a grave misconduct as provided under Clause 21(7) of the Certified PAT Joint Standing Order for Estate Staff, which reads as follows:-

“Theft, fraud or dishonesty in connection with the business or property of the employer”.

8. That apart, the delinquent employee himself has admitted that voluntarily and unconditionally he was involved in the theft or fraud of the property belonging to the Management and misusing of labour. Even though



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a dismissal order was passed on 20.02.2020, considering the long service put in by the delinquent employee, the Labour Court has granted a retrenchment compensation of Rs.2,75,000/- which this Court feels that it is just and equitable. Therefore, there is no ground for the delinquent employee to challenge the award.

9. In the result, both these Writ Petitions are dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

04.04.2025

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

To
The Additional Labour Court, Coimbatore.



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M.DHANDAPANI, J.

ssb

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