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W.P.No.35238 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

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

W.P.No.35238 of 2019

and

W.M.P.No.7126 of 2020

Asian Paints Limited
Penta Division,
SIPCOT
Cuddalore – 607 005
Represented by its
General Works Manager.

...Petitioner

Vs.

G.Gnanaruban

...Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records and quash the award dated 21.08.2019 in I.D.No.30 of 2012 on the file of the Labour Court, Cuddalore.

For Petitioner : M/s.D.Veda

For Respondent : Mr.R.Muralidharan



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ORDER

This writ petition has been filed seeking to quash the award dated 21.08.2019 in I.D.No.30 of 2012 on the file of the Labour Court, Cuddalore.

2. It is the case of the petitioner that the respondent was employed as an operator in the petitioner company. Since the respondent assaulted a co-worker namely AjayAchankunju, charges were framed against the respondent. Upon conducting domestic enquiry, the respondent was terminated from service on 16.06.2012. Subsequently, he raised an industrial dispute before the Labour Court in I.D.No.30 of 2012 and a preliminary award has been passed on 12.03.2014 holding that the domestic enquiry was not conducted in a fair and proper manner. Subsequently, the Labour Court passed an award on 07.08.2014 has dismissed the said dispute on the ground that the charges framed as against the respondent has been proved. Aggrieved over the same, the respondent had filed a writ petition before this Court in W.P.No.23848 of 2014 before this Court, however, this Court vide order dated 26.07.2017 had remanded the Industrial Dispute to Labour Court, Cuddalore to



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consider the proportionality of punishment alone. On remand, the Labour Court, Cuddalore passed the impugned award on 21.08.2019 awarding reinstatement with 50% backwages, continuity of service and attendant benefits. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner / management submits that during the pendency of this writ petition the petitioner paid a sum of Rs.10,00,000/- as 17B wages, however, this Court may fix reasonable compensation payable by the petitioner in lieu of reinstatement, since the respondent had attacked a co-worker and committed a grave misconduct.

4. The learned counsel for the respondent submitted that the respondent was a permanent employee of the petitioner management, whereas, the said Ajay Achankunju, a co-worker was only attending training, who was not sincere in work. Though the respondent had put in unblemished service to the petitioner company, the petitioner had terminated the respondent from service which is *per se* unsustainable. Upon considering the oral and documentary evidence, the Labour Court has passed the impugned award which does not require any interference.



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6. Insofar as the 50% of the backwages awarded by the labour court, this Court perused the claim statement filed by the respondent, which reveals that he has not pleaded anything with regard to his gainful employment during his non-employment period. In the absence of any such pleadings, ordering 50% of the backwages in favour of the respondent is *per se* unsustainable.

7. In view of the misconduct committed by the respondent, there



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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.6,00,000/- (Rupees Six Lakhs only) in full quit apart from the amount already deposited by the petitioner to the respondent, within a period of four (4) weeks from the date of receipt of a copy of this order. The respondent is permitted to withdraw the above said amount.

8. With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.04.2025

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

To
Labour Court, Cuddalore.



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