



WEB COPY



W.P.No.35277 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35277 of 2019

And

W.M.P.No.36077 of 2019

The Management of Essem Engineering,
Rep. by its Managing Partner,
Door No.697, Trichy Road,
Ramanathapuram,
Coimbatore.

... Petitioner

Vs.

A.Loganathan

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in I.D.No.63 of 2015 dated 30.11.2018 on the file of the learned Principal Labour Court, Coimbatore and quash the same.

For Petitioner : Mr.A.S.Balaji
For Respondent : Ms.Kalpana Devi.T.
for M/s.V.Sivakumar

O R D E R

The petitioner has filed this writ petition seeking issuance of



W.P.No.35277 of 2019

Writ of Certiorari calling for the records in I.D.No.63 of 2015 dated

WEB COPY

30.11.2018 on the file of the learned Principal Labour Court, Coimbatore and quash the same.

2.The case of the petitioner is that the respondent was appointed as welder under the petitioner concern during the year 1992 and due to ill health, he voluntarily resigned the job on 25.09.2014 and vacated the quarters allotted to him and raised industrial dispute under Section 2A(2) of the Industrial Disputes Act in I.D.No.63 of 2015 as if the petitioner forced him to resign the job and the Labour Court passed the impugned order directing the petitioner to reinstate the respondent into service with continuity of service, 50% backwages and other attendant benefits. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the respondent entered the service of the petitioner during the year 1992. In the year 2007, he resigned his job and again he was reappointed during the year 2009 and again he resigned his job during the year 2014 due to poor health and hence, his resignation was



W.P.No.35277 of 2019

accepted and his resignation letter was marked as Ex.M2 before the

WEB COPY

Labour Court, even then, the Labour Court arrived at a conclusion that resignation was obtained by force and ordered for reinstatement with continuity of service, 50% backwages and other attendant benefits, which is not sustainable one. The learned counsel further submitted that during the pendency of this writ petition, the respondent reached the age of superannuation.

4.The learned counsel appearing for the respondent did not dispute the fact that during the pendency of this writ petition, the respondent reached the age of superannuation, however, submitted that the resignation letter was obtained from the respondent by force on 25.09.2014. Reiterating the same, the respondent raised industrial dispute before the Labour Court and the same was allowed in his favour, which warrants no interference.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.Admittedly, the respondent was appointed as welder under the



W.P.No.35277 of 2019

petitioner concern during the year 1992. Though the petitioner claim

WEB COPY

that the respondent resigned the job in the year 2007 and again he was reappointed during the year 2009, such fact was not proved before the Labour Court. In any event, the petitioner claim that the respondent resigned the job during the year 2014 and his resignation letter was marked as Ex.M2 before the Labour Court and his resignation is based on poor health condition and loss of vision, such statement was not substantiated before the Labour Court. Even assuming the said contention is true, the resignation letter would have been supported with medical records, however, no medical record has been marked before the Labour Court. Hence, the fact that the respondent resigned his job voluntarily is not proved.

7.However, during the pendancy of this writ petition, the respondent reached the age of superannuation. Hence, ordering reinstatement is not possible. Hence, considering the service rendered by the respondent to the petitioner, this Court is of the opinion that a sum of Rs.5 Lakhs would be a justifiable compensation to the respondent.



W.P.No.35277 of 2019

8.The petitioner Management is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) in full quit, to the respondent, within a period of eight weeks from the date of receipt of a copy of this order, failing which, the petitioner Management would be liable to pay interest at the rate of 7.5% p.a., from the date of writ petition till the date of actual payment.

9.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

21.04.2025

pri

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

To

1.The Principal Labour Court,
Coimbatore.



WEB COPY



W.P.No.35277 of 2019

M.DHANDAPANI,J.
pri

W.P.No.35277 of 2019
And
W.M.P.No.36077 of 2019

21.04.2025