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W.P.No.31754 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31754 of 2018

And

**W.M.P.Nos.36971 of 2018, 10206, 10211, 10213,
10216, 10218 and 10221 of 2024**

The Managing Director,
Wood Lands Estate,
Kulakumbai Post,
Coonoor,
The Nilgiri District.

... Petitioner

Vs.

- 1 D.Sekar
- 2 D.Palanisamy
- 3 D.Ramesh
- 4 V.Nataraj
- 5 R.Marudhamuthu
- 6 S.Elangovan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the Addl. Labour Court, Coimbatore in I.D.No.144 to 149 of 2009 and quash its common award dated 12.02.2018.

For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan and Co.
For Respondents : Mr.V.Ajoy Khose



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the Additional Labour Court, Coimbatore in I.D.Nos.144 to 149 of 2009 and quash its common award dated 12.02.2018.

2.The learned counsel appearing for the petitioner submitted that the petitioner is a plantation estate which is engaged in cultivation of tea. It is a division of craigmore plantations. There is an estate hospital in the estate for the benefit of workers where the workers can get themselves treated and the expenses would be borne by the estate. An employee by name Pappathi got admitted in the hospital on 27.11.2006 due to some complications and later discharged on 06.12.2006. She again went to the dispensary in the petitioner's division and complained pain in her left leg and wanted to get herself admitted into the group hospital and though she was found to be stable, the Medical Officer at the group hospital admitted her for further treatment, however, before admission, she complained to her husband that she was declined admission and her husband reported



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the matter to the union office bearers.

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3.The learned counsel appearing for the petitioner further submitted that respondents complained that the worker Pappathi was not granted admission and went to the estate hospital and abused the Medical Officer and behaved in a riotous and disorderly manner and caused threat to his life and hence, a charge sheet was issued to the respondents and after domestic enquiry, the respondents were terminated from service vide order dated 28.01.2008 and aggrieved by the same, they filed I.D.Nos.144 to 149 of 2009 and the Additional Labour Court, Coimbatore passed award in their favour directing the petitioner to reinstate the respondents in service with continuity of service and to pay compensation of Rs.25,000/- to each of the respondents in lieu of their claim for backwages.

4.The learned counsel appearing for the petitioner further submitted that the respondents on the premise that the worker Pappathi was not granted admission, consumed alcohol and went to the estate hospital and abused the Medical Officer and gave life threat to him and hence they were terminated from service, even then, the Labour Court directed the petitioner to reinstate the respondents in



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service with continuity of service and to pay compensation of Rs.25,000/- to each of the respondents in lieu of their claim for backwages, which is not sustainable one.

5.The learned counsel appearing for the respondents submitted that the respondents questioned the non admission of the co-employee and they did not assault the Medical Officer and it is only nuisance. The learned counsel further submitted that the Medical Officer did not make any complaint to the petitioner Management and the petitioner Management, inorder to victimise the respondents conducted enquiry and passed the order of dismissal. The learned counsel further submitted that even assuming that the act of the respondents attract misconduct as per the standing orders of the petitioner Management, the order of dismissal is highly disproportionate.

6.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.

7.The facts of the case is not in dispute. The employee and

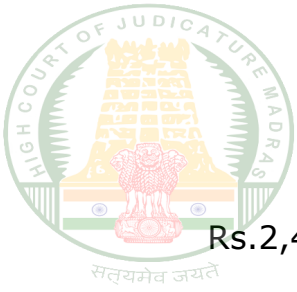


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employer relationship between the petitioner and the respondents is not disputed. For the allegation of creating nuisance, the punishment

of dismissal from service, in the opinion of this Court is highly disproportionate. However, considering the strained relationship between the petitioner and the respondents and the service rendered by the respondents to the petitioner, this Court is of the opinion that a sum of Rs.3.90 Lakhs would be a justifiable compensation to D.Sekar; a sum of Rs.2.70 Lakhs would be a justifiable compensation to D.Palaniswamy; a sum of Rs.3 Lakhs would be a justifiable compensation to D.Ramesh; a sum of Rs.3.90 Lakhs would be a justifiable compensation to V.Nataraj; a sum of Rs.2.40 Lakhs would be a justifiable compensation to R.Marudhamuthu; a sum of Rs.3.30 Lakhs would be a justifiable compensation to S.Elangovan.

8.The petitioner Management is directed to pay a sum of Rs.3,90,000/- (Rupees Three Lakhs and Ninety Thousand Only) to D.Sekar; a sum of Rs.2,70,000/- (Rupees Two Lakhs and Seventy Thousand Only) to D.Palaniswamy; a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to D.Ramesh; a sum of Rs.3,90,000/- (Rupees Three Lakhs and Ninety Thousand Only) to V.Nataraj; a sum of



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Rs.2,40,000/- (Rupees Two Lakhs and Forty Thousand Only) to R.Marudhamuthu; a sum of Rs.3,30,000/- (Rupees Three Lakhs and Thirty Thousand Only) to S.Elangovan, in full quit, within a period of four 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. On receipt of the above payment, the respondents are directed to vacate the quarters provided by the petitioner forthwith, if they are occupying the quarters on the basis of employment.

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

01.04.2025

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

To

1.The Additional Labour Court,
Coimbatore.

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