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W.P.No.33298 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33298 of 2018

R.Dinakaran

... Petitioner

Vs.

The Management of MRF Limited
Thiruthani Road
Ichiputhur
Arakkonam 601 003.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the Honourable Principal Labour Court, Vellore in connection with the award pronounced in I.D.No.128 of 2006 dated 28.06.2012 and quash the same and direct the respondent management to reinstate the petitioner in service with full backwages, continuity of service and all other consequent and attendant benefits.

For Petitioner : Mr.T.Ramkumar
For Respondent : Mr.M.Vijayan
for M/s.King and Partridge

O R D E R

The petitioner has filed this writ petition seeking issuance of



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Writ of Certiorarified Mandamus calling for the records of the Principal Labour Court, Vellore in connection with the award pronounced in I.D.No.128 of 2006 dated 28.06.2012 and quash the same and direct the respondent management to reinstate the petitioner in service with full backwages, continuity of service and all other consequent and attendant benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner joined the service of the respondent Management on 23.06.1997 and was terminated from service on 17.12.2004 alleging that the petitioner adopted go slow production and aggrieved by the same, the petitioner raised industrial dispute in I.D.No.128 of 2006 seeking reinstatement with continuity of service, payment of full backwages and all other attendant benefits and the Labour Court dismissed the industrial dispute. The learned counsel further submitted that even assuming that the petitioner adopted go slow production, the punishment of dismissal from service imposed on the petitioner is civil death and highly disproportionate, however, considering the strained relationship between the petitioner and the respondent, this Court may fix a reasonable compensation for the service rendered by the petitioner to the respondent.



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3.The learned counsel appearing for the respondent submitted that the respondent is a factory and if an employee adopts go slow production, the entire production section will be affected and further submitted that a person who adopts go slow production has to be considered severely since it is a serious mis-conduct and hence disciplinary proceedings was initiated as against the petitioner and after enquiry, he was terminated from service and the Labour Court after considering all the factual aspects has rightly dismissed the industrial dispute raised by the petitioner, which warrants no interference.

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

5.The allegation against the petitioner is that he adopted go slow production, thereby, disciplinary proceedings was initiated as against the petitioner and after enquiry, he was terminated from service. The Labour Court ought to have exercised its discretionary power under Section 11A of the Industrial Dispute and mould the punishment, however, the Labour Court has not exercised its discretionary power.



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For the allegation of go slow production, 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 respondent and the service rendered by the petitioner to the respondent, this Court is of the opinion that a sum of Rs.3.5 Lakhs would be a justifiable compensation to the petitioner.

6.The respondent Management is directed to pay a sum of Rs.3,50,000/- (Rupees Three Lakh and Fifty Thousand Only) in full quit to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order, failing which, the respondent 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.

7.The writ petition is disposed of. No costs.

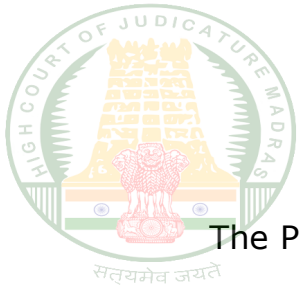
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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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The Principal Labour Court, Vellore.

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M.DHANDAPANI,J.
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