

W.P(MD)No.12058 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12058 of 2024

A.Selvakumar

... Petitioner

Vs.

The Management,
Alagar Jewellers Private Limited,
W.G.C. Road,
Tuticorin District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned award, dated 10.04.2024 in O.P. Industrial Dispute No.137 of 2022 on the file of the Labour Court, Tirunelveli and quash the same as illegal and consequently direct the respondent to reinstate the petitioner with full backwages, continuity of service and grant all other attendant benefits from the date of this oral termination and pass such other or further orders as this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.Raguvaran Gopalan



W.P(MD)No.12058 of 2024

WEB COPY

ORDER

The present writ petition has been filed by a workman challenging the award of the Labour Court, Tirunelveli in I.D.No.137 of 2022, wherein, the Labour Court had rejected the industrial dispute raised by the workman.

2. The petitioner herein was employed as a Computer Operator in the respondent Jewelry Shop. According to him, he was orally terminated on 17.03.2022 without issuance of any charge memo or conducting an enquiry. His last drawn wage is Rs.18,761/-.

3. The Management filed a counter contending that the workman had purchased jewelry from the shop to an extent of Rs.2,39,800/- with an assurance that he would repay the amount in installments from his salary. However, he has neither returned the jewelry nor the cash. In view of insistence for repayment of the value of jewels, workman had voluntarily abandoned the job. Therefore, there was no oral termination on the part of the Management.



W.P(MD)No.12058 of 2024

WEB COPY

4. The Labour Court after considering the fact that the employee had received a conduct / experience certificate from the Management in April, 2022 found that he had abandoned the job. Therefore, in such circumstances, it cannot be considered to be a oral termination on the part of the Management. On the basis of the above said findings, the Labour Court has proceeded to dismiss the petition. Challenging the same, workman has filed the present writ petition.

5. According to the learned Counsel appearing for the writ petitioner, the experience / conduct certificate was obtained by the workman only to prove that, there were no charges pending as against the workman on the date when he was orally terminated. He further relied upon Exhibit W.6, wherein, the officials belonging to the Management have appeared before the Police Station on the complaint lodged by the father of the workman and have stated that, the workman has been terminated. Since a statement was made by the Management before the police authorities that the workman has been dismissed on the basis for his unsatisfactory service, this has forced him to raise the industrial dispute seeking reinstatement. He further submitted that the petitioner was working from the year 2012 to 2022 and he is being out of employment for the past three



W.P(MD)No.12058 of 2024

WEB COPY

years. He further submitted that the Labour Court has not properly appreciated Exhibit W.6 and has arrived at an erroneous finding that the workman has abandoned his job.

6. Per contra, the learned Counsel appearing for the respondent Management submitted that, the workman had purchased jewelry to a tune of more than two lakhs on the undertaking that the said amount could be recovered from his salary. When the Management had insisted for repayment of the said amount, he had voluntarily left the job. He further submitted that unnecessarily police complaints were lodged by the workman against the family members of the Management. He further submits that continuously the petitioner and his family members are addressing complaints as against the Management to the Labour Officials as well as Police Officials. Hence, the question of reinstating the petitioner would not arise. He further submitted that in case, if the Court arrives at a finding that the termination is illegal, instead of ordering reinstatement, a compensation could be awarded to the writ petitioner.

7. Heard both sides and perused the materials available on record.



W.P(MD)No.12058 of 2024

WEB COPY

8. The specific stand of the Management in their counter filed before the Labour Court is that, they have not orally terminated the workman but on the other hand, he had voluntarily abandoned the job. However, a perusal of Exhibit W.6 would clearly reveal that, the Management has appeared before the police station and a statement has been recorded to the effect that, the workman had been terminated due to unsatisfactory service. Therefore, it is clear that the workman has been orally terminated for his alleged misconduct without issuing any charge memo or conducting an enquiry. The Labour Court has not properly appreciated Exhibit W.6 and has erroneously arrived at a finding that the workman has abandoned his job. Therefore, such a finding is perverse and this Court is inclined to set aside the said finding. The workman has been illegally terminated without conducting an enquiry for the alleged misconduct.

9. As far as question of reinstatement is concerned, the learned Counsel appearing for the respondent Management submits that, the petitioner has purchased jewels to a tune of about more than two lakhs and on his undertaking that he would repay the amount from salary. However, he has not repaid the same. The workman's father has lodged a police complaint as against the family

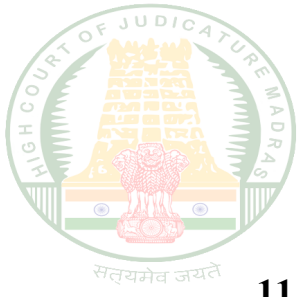


W.P(MD)No.12058 of 2024

WEB COPY

members of the Management. In such circumstances, this Court is of the considered opinion that the relationship between the employer and the employee has got strained to such an extent that reinstatement would not be conducive for the industrial peace. Therefore, this Court is inclined to consider the plea of payment of compensation for the illegal termination of the employee.

10. As far as payment of compensation is concerned, the employee had been in service for nearly 10 years. Admittedly, monthly salary is Rs.18,761/-. Therefore, if the gratuity is calculated, it would be around Rs.1,00,000/-. Considering the fact that he has been illegally terminated and there are some dues (which are disputed by the workman), this Court is inclined to hold that a compensation amount of Rs.3,00,000/- shall be paid by the Management in lieu of reinstatement. Totally, the Management shall pay a sum of Rs.4,00,000/- to the workman towards full quit of all his claims. The amount shall be paid on or before **22.09.2025**. The Management is also directed to process the provident fund application within the above said period.



W.P(MD)No.12058 of 2024

WEB COPY

11. With the above said observations, this writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

20.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Management,
Alagar Jewellers Private Limited,
W.G.C. Road,
Tuticorin District.

2.The Labour Court,
Tirunelveli.



WEB COPY



W.P(MD)No.12058 of 2024

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.12058 of 2024

20.08.2025