



W.P.(MD).Nos.16101 to 16108 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.16101 to 16108 of 2018

and

W.M.P(MD) Nos.14344 to 14351 of 2018

The Management,
Madras Suspensions Private Limited,
Administrative Office,
32, Workshop Road, Simmakkal,
Madurai – 625 001.

... Petitioner
(in all W.Ps)

Vs.

1. The Presiding Officer,
Labour Court,
Madurai.

... 1st Respondent
(in all W.Ps)

2. K.Chelladurai

... 2nd Respondent
in W.P(MD) No.16101/2018

2. P.Raja

... 2nd Respondent
in W.P(MD) No.16102/2018

2. S.Shanmugam

... 2nd Respondent
in W.P(MD) No.16103/2018

2. N.Kannan

... 2nd Respondent
in W.P(MD) No.16104/2018

2. T.Rajendran

... 2nd Respondent
in W.P(MD) No.16105/2018



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WEB COPY 2. K.Gandhi

... 2nd Respondent
in W.P(MD) No.16106/2018

2. K.Alagarsamy

... 2nd Respondent
in W.P(MD) No.16107/2018

2. G.Ramachandran

... 2nd Respondent
in W.P(MD) No.16108/2018

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records and quash the impugned orders passed by the first respondent in I.D.Nos.50/1996, 162/1996, 163/1996, 160/1996, 49/1996, 43/1996, 46/1996 and 45/1996, dated 20.04.2016 on the ground that the same is arbitrary, illegal, perverse, bias.

For Petitioners : Mr.B.Ravi Raja
(in All W.Ps)

For Respondents : Mr.M.Shakul Hameed – for R2
(in all W.Ps) R1-Labour Court

COMMON ORDER

The present Writ Petitions have been filed by the Management challenging the order passed by the Labour Court, Madurai, in I.D.Nos.50, 162, 163, 160, 49, 43, 46 and 45 of 1996, dated 20.04.2016.



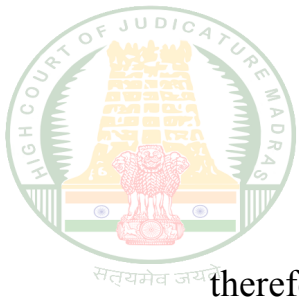
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2. The second respondents herein, who are the workmen in the petitioner Company were issued with a charge memo on the allegations that they have been disobedient and they have picked up quarrel with Supervisor. It was further alleged that they have struck the work illegally. After conducting a domestic enquiry all of them were dismissed from service. Challenging the same, the workmen have raised an industrial dispute.

3. The Labour Court passed a preliminary award pointing out that the enquiry has not been conducted in a fair manner and principles of natural justice has not been followed. Despite the said preliminary award, the Management has not chosen to let in any fresh evidence before the Court except marking some documents that were part of the domestic enquiry. The Labour Court found that the charges as against the workmen have not been proved. However, proceeded to award compensation to each one of the workman on the ground that the establishment has been closed. Challenging the said orders, the present Writ Petitions have been filed.

4. According to the learned counsel appearing for the petitioner/ Management, the employees suddenly went on strike and it is illegal and

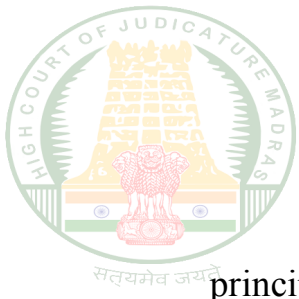


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therefore, they were issued with a charge memo. He further pointed out that they did not permit the lorry to move out of the factory premises and they have struck the work. In such circumstances, the business was very much affected and a police complaint was also lodged as against the workmen. The workmen were clearly disobedient and they were not listening to the instructions issued by the Supervisor. Ample opportunity was given by the workmen during the domestic enquiry proceedings and ultimately, it was found that it was a clear case a mis-conduct and all of them were dismissed from service. He further contended that the Labour Court has mis-placed sympathies and has proceeded to arrived at a finding that the charges as against the workmen have not been proved. He further pointed out that the compensation awarded by the Labour Court, is exorbitant and even assuming that the charges have not been proved, the compensation awarded by the Labour Court is not commensurate with the services rendered by the workmen.

5. Per contra, the learned counsel appearing for the second respondents herein pointed out that the Labour Court has passed a preliminary award to the effect that the domestic enquiry has not been conducted properly and the



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principles of natural justice has not been followed. In such circumstances, the Management ought to have let in evidence to prove the charges as against the workmen. However, the Manager of the Company nor any one alleged to have witnessed to the said effect. The alleged police complaint has been lodged belatedly which would shown the *malafide* attitude on the part of the Management. He further contended that the strike cannot be construed as illegal. Only after the strike has started, conciliation proceedings were initiated. Therefore, it cannot be contended that the strike has begun during the continuation of the conciliation proceedings. He further pointed out that the Labour Court has arrived at a finding that the charges as against the workmen have not been proved. He further contended that the compensation has been awarded considering the service rendered by the workmen and the issue of economic conditions prevail at the time of passing of the award and there is no scope whatsoever for reduction of the compensation amount granted by the Labour Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.



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7. After going through the discussion of the Labour Court, it is clear that the domestic enquiry has not been conducted in a fair manner. The principles of natural justice has not been followed. Despite these preliminary awards, the Management has not chosen to let in fresh evidence before the Labour Court to establish the charges as against the workmen. After detailed discussion, the Labour Court has arrived at a finding that the charges as against the workmen have not been established. In such circumstances, this Court does not find any reason to interfere in the award of the Labour Court that the charges as against the workmen have not been proved.

8. As far as the contention of the learned counsel appearing for the petitioner relating to the quantum of compensation is concerned, this Court has perused the services rendered by each one of the workman. The Labour Court has proceeded to award lumpsum compensation. This Court is of the considered opinion that the compensation is not commensurate with the services already rendered by the workmen. Therefore, each one of the workman shall be entitled to compensation as follows:

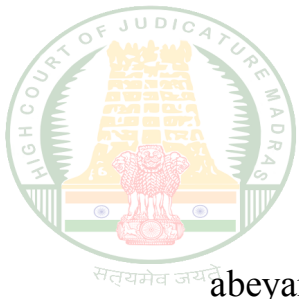


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Si. No	I.D.Nos	Writ Petitions	Name of the employees	Amount awarded by the Labour Court	Amount awarded by the High Court
1	50/1996	W.P(MD) No. 16101 of 2018	K.Chelladurai	Rs.1,00,000/-	Rs.75,000/-
2	162/1996	W.P(MD) No. 16102 of 2018	P.Raja	Rs.80,000/-	Rs.60,000/-
3	163/1996	W.P(MD) No. 16103 of 2018	N.Shanmugam	Rs.85,000/-	Rs.63,750/-
4	160/1996	W.P(MD) No. 16104 of 2018	N.Kannan	Rs.70,000/-	Rs.52,500/-
5	49/1996	W.P(MD) No. 16105 of 2018	T.Rajendran	Rs.75,000/-	Rs.56,250/-
6.	43/1996	W.P(MD) No. 16106 of 2018	K.Gandhi	Rs.50,000/-	Rs.37,500/-
7.	46/1996	W.P(MD) No. 16107 of 2018	K.Alagarsamy	Rs.50,000/-	Rs.37,500/-
8.	45/1996	W.P(MD) No. 16108 of 2018	G.Ramachandran	Rs.50,000/-	Rs.37,500/-

9. The learned counsel appearing for the petitioner submits that in order to execute the award of the Labour Court E.P.Nos.3 to 10 of 2017 have been filed and they are pending on the file of the Labour Court, Madurai. The above said compensation amount shall be deposited by the petitioner Management in each one of the execution proceeding on or before **30.09.2025**. Till such time the execution proceedings shall be kept in



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abeyance. On deposit of the amount, the attachment orders passed in respective execution proceedings shall be raised.

10. With the above said observations, these Writ Petitions are partly allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

24.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Presiding Officer,
Labour Court,
Madurai.



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R.VIJAYAKUMAR,J.

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