Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 28965 of 2024
and W.M.P.No.31620 of 2024
CNR: {HCMA011698462024}

The Management
IWL India Private Limited Formerly Known As
IWL India Limited No.W360, North Main Road,
Anna Nagar West, Chennai- 101.
Rep By Its Managing Director.

..Petitioner(s)

Vs

R.Tamilselvan
S/o.Rajamanickam, No.22, East Street, Thandrai
Village, Perumbakkam, Maduranthagam,
Chengelpet District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records and quash the Award dated 03/07/ 2024 passed in O.P. No. 184 of 2021 on the file of the Presiding Officer, 1st Additional Labour Court, Chennai, in so far as it relates to back- wages.

For Petitioner(s): Mr.S.Ravi, Senior counsel
for Ms.S.Indumathi

For Respondent(s): Mr.K.Sudalai Kannu

****

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This writ petition has been filed to call for the records and quash the Award dated 03/07/ 2024 passed in O.P. No. 184 of 2021 on the file of the Presiding Officer, 1st Additional labour Court, Chennai, in so far as it relates to back- wages.

2. The operative portion of the impugned order dated 03.07.2024 passed in O.P.No.184 of 2021 on the file of the Presiding Officer, 1st Additional labour Court, Chennai, is extracted hereunder:

> *"In the result, this Industrial Dispute is allowed. The order of dismissal dated 09.12.2020 is hereby set aside. The respondent is directed to reinstate the petitioner will full back wages, continuity of service and all other attendant benefits. Considering the nature of litigation and circumstances of the case, this court directs the parties to bear their own cost."*

3. Having heard the learned senior counsel for the petitioner Management and the learned counsel for the respondent, and having perused the exhibits marked before the Labour Court, which form the basis of the decision in the impugned award allowing O.P. No. 184 of 2021 filed by the respondent employee, I proceed to pass this order.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. It is not in dispute that the respondent was appointed as a storekeeper by the petitioner. It appears that the respondent was deployed in the service of the petitioner from 22.12.2014; however, an appointment order was issued vide Ex.W1 dated 08.01.2015. During the course of employment, the petitioner increased the salary of the respondent and issued the Ex.W3 salary receipt dated 25.10.2018, which indicates that the petitioner management had increased the respondent's salary by Rs. 2,000/-. Consequently, the respondent's gross salary after the increment was Rs. 25,074/-, and after deductions, the net take-home salary was Rs. 21,851/-.

5. However, during November 2018, the petitioner paid a sum of only Rs. 19,851/-. Aggrieved by this, the respondent escalated the issue to the Deputy Director, Directorate of Industrial Safety and Security Office vide Ex.W7 dated 05.10.2019. In this background, an enquiry-cum-show-cause notice, vide Ex.W9 dated 07.09.2020, was issued by an advocate. Meanwhile, the respondent again escalated the issue to the Inspector of the Labour Department vide Ex.W10 dated 14.09.2020.

6. In response to Ex.W9, the respondent submitted a reply vide Ex.W11 dated 17.09.2020, pursuant to which a second show-cause notice, vide Ex.W12 dated 23.10.2020, was issued along with the enquiry report of the Enquiry

https://www.mhc.tn.gov.in/judis

WEB COPY

Officer. The charge of negligence against the respondent was based on discrepancies and variances between the physical stock and the stock reflected in the Management Information System (MIS). These documents have been filed by the petitioner management as Exs. M1, M2, and M3, with the quantified value in these exhibits totalling Rs. 5,01,115/-, as detailed below:

M1	05/07/2016	1,08,956
M2	05/01/2017 to 10/11/2017	17,215
M3	10/02/2017 to 12/08/2019	3,75,042
Total		5,01,115

7. The enquiry notice in Ex.W9 was issued against the background of the complaint and the salary dispute, which was set in motion by the Management only after the respondent escalated the issue to the Deputy Director, Directorate of Industrial Safety and Security Office. The charge of negligence was not established by the documents marked before the Labour Court during the proceedings in O.P. No. 184 of 2021, as clearly brought out in paragraphs 48, 49, 50, and 51.

8. Evidently, the petitioner sought to victimise the respondent for questioning the reduction in pay during October—following a pay increase reflected in the pay slip—and for escalating the issue to the authorities concerned under the Labour Laws. This has been recorded in paragraph 50 of

https://www.mhc.tn.gov.in/judis

WEB COPY

the impugned award. In paragraph 49, the Labour Court also recorded that a stock deficiency cannot be held against the respondent after a period of five years. The delay in issuing the charge memo amounts to an unfair labour practice, and the petitioner cannot take advantage of its own delay to proceed with this and other charges. Even otherwise, there is no record to substantiate that the petitioner had warned the respondent regarding the alleged variance between the MIS and physical stocks on the dates mentioned in Exs.M1 to M3.

9. The award of the Labour Court is detailed and demonstrates a proper application of mind to the exhibits marked by both the petitioner and the respondent. The conclusion drawn by the Labour Court in the impugned order does not suffer from any infirmity to warrant interference under Article 226 of the Constitution of India. In any event, the scope of judicial review under Article 226 is confined to the decision-making process and any illegality flowing from it. The process adopted by the Labour Court while passing the impugned award shows no irregularity or illegality. Consequently, the conclusion arrived at by the Labour Court in allowing O.P. No. 184 of 2021 filed by the respondent merits no interference. Therefore, this writ petition is liable to be dismissed with consequential benefits to the respondent.

10. It is noted that pursuant to the order dated 08.09.2026, the petitioner Management was directed to deposit 50% of the back-wages. Furthermore,

https://www.mhc.tn.gov.in/judis

WEB COPY

pursuant to the impugned award, the respondent was reinstated on 25.07.2024, albeit without prejudice. However, the 50% back-wages directed to be deposited have not yet been permitted to be withdrawn. Since this writ petition is being dismissed, upholding the award passed by the Labour Court in O.P. No. 184 of 2021 vide its award dated 03.07.2024, I direct the petitioner to pay the balance 50% of the arrears directly to the respondent. The respondent is entitled to apply to the Labour Court for the withdrawal of the deposited amount, and the Labour Court is directed to disburse the 50% deposited by the petitioner, together with interest accrued thereon.

11. Therefore, this writ petition is dismissed on the above terms. No costs. Consequently, the connected writ miscellaneous petition is closed.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RNA

To

The 1st Additional Labour Court, Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

C.SARAVANAN, J.

RNA

WP No. 28965 of 2024
and W.M.P.No.31620 of 2024

30-10-2026

https://www.mhc.tn.gov.in/judis