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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 3139 of 2024
and
C.M.P.No.24103 of 2024

The Management
Rep. by its Chief Executive Officer,
Roots Polycraft,
5/387, Krishnamasy Gounder Thottam,
Pannimadai, Coimbatore – 641 017.

..Appellant

Vs

R.Mandhiri

..Respondent

Prayer: To set aside the order dated 12.09.2024 in WP No. 26416 of 2024 and thus render justice.

For Appellant: Mr.S.Ravindran, Senior Counsel
For Mr.S.Sellapillai Kumar

For Respondent: Mr.R.Krishnasamy

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present Intra Court Appeal under Clause 15 of the Letters Patent came to be instituted by the Appellant's Management (in short 'Management'), challenging the Writ Order dated 12.09.2024 passed in W.P.No.26416 of 2024.



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2. Facts in brief would show that the respondent / Workman was employed in the Management. He was placed under suspension by order dated 21.10.2020 on initiation of disciplinary proceedings, more specifically, during Covid-19 period. The respondent / Workman submitted a request letter to the Management on 18.01.2021 under Ex.M4, seeking revocation of suspension. Considering the same, the Management revoked the suspension order in their letter dated 21.10.2021 (Ex.W13).

3. Mr.S.Ravindran, learned Senior Counsel assisted by Mr.S.Sellapillai Kumar, learned counsel for the Management would submit that thereafter, the Workman had not reported for duty and remained unauthorizedly absent. He subsequently raised a dispute on the ground that he was orally terminated by the Management.

4. The Labour Court erroneously made a finding that suspension was not revoked by passing an appropriate order and therefore, granted the relief of reinstatement with back wages on the ground that the Workman was orally terminated from service. In fact, the order of suspension was marked by the Workman under Ex.W8. The representation submitted by the Workman, seeking revocation of suspension is also marked as Ex.M4. The order revoking the suspension order is marked as Ex.W13. Therefore, both the



suspension order as well as the revocation order of suspension were marked by the Workman before the Tribunal and thus, the finding of the Labour Court that the order of suspension is not revoked, is running counter to documents, filed by the Workman himself before the Labour Court. Yet another document relied upon by the Labour Court is DVD (Ex.W60) and in respect of the said document, no clear manuscript has been filed along with DVD.

5. Pertinently, during cross examination, the Workman / Respondent herein / W1 has clearly deposed before the Labour Court that the Management agreed to provide employment to him before the Labour Commissioner. The Workman was asked to report for duty. However, the Management asked the Workman to give an apology letter. Further, in his notice sent through an Advocate, the Management has clearly stated that they are ready and willing to take back the Workman into service. The Workman deposed that after raising a dispute, he reported for duty, but however, the Workman demanded that he should be reinstated with backwages for reporting duty.

6. Since the workman imposed a condition for reporting duty, an inference can be drawn that he had not reported for duty and therefore, the finding that there was an oral termination has not been established either through documents or through evidence. That apart, it is a case of suspension and at no point of time, the order of termination in writing came to be issued.



Oral termination has been pleaded before the Labour Court, but not substantiated. When the Management passed an order of suspension, entertained the request letter of the Workman, and subsequently, revoked the order of suspension, there is no reason to disbelieve the situation that the Workman was only suspended from service and not terminated. Since the Labour Court's findings are running counter to the documents, more specifically, Ex.W8, Ex.M4, Ex.W13, the relief of reinstatement granted to the Workman with back wages is perverse. Writ Court has not considered any of the findings of the Labour Court in the context of documents filed both by the Management and Workman. Writ Court has simply confirmed the Labour Court's award without appreciating the documents as well as the deposition made by the Workman (W1) himself. However, learned Senior Counsel would submit that the Workman is now working in their Establishment.

7. That apart, it has not been denied that subsistence allowance has been paid during the period of suspension. However, the said allowance has not been paid after revocation of suspension order. Therefore, the relief of reinstatement with backwages granted to the Workman is perverse and contrary to the facts established through documents and evidence.

8. This Court is of the view that the Workman was placed under suspension, subsistence allowance paid, the order of suspension revoked and thereafter, the Workman unauthorizedly remained absent for some duration



and thereafter, reported for duty. He was permitted to join duty and as of now, is working. Therefore, the question of reinstatement and payment of backwages may not arise. However, the continuity of service is to be granted to the Workman for grant of service benefits, including increment, revision of pay and retirement benefits.

9. In view of the above discussions, the impugned writ order dated 12.09.2024 in W.P.No.26416/2024, confirming the award dated 18.03.2024 made in I.D.No.55 of 2022, is set aside. However, the Appellant Management is directed to grant continuity of service for all purposes including fixation and revision of pay notionally and the actual monetary benefits shall be granted from the date of his reporting duty. The continuity of service is also to be taken into consideration for reckoning qualifying service for calculating terminal benefits. The deposit amount, if any, made by the appellant Management is directed to be returned by the Labour Court on filing appropriate application. Accordingly, the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (C.K.,J.)
19-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral citation
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