



W.P.(MD)No.4483 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)No.4483 of 2022

and

W.M.P.(MD)No.3770 of 2022

The Management,
Modern Cotton Yarn Spinners Ltd.,
Manavasi,
Karur.

... Petitioner

-VS-

T.M.Shiva

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for all the records of Award of the Labour Court, Tiruchirapalli, dated 31.08.2021 pertaining to I.D.No.33 of 2008 and quash the same.

For Petitioner : Mr.R.Rajaram

For Respondent : Mr.V.Sasi Kumar

ORDER

In the present Writ Petition, the Management has questioned the Award passed by the Labour Court in I.D.No.33 of 2008, dated 31.08.2021.



W.P.(MD)No.4483 of 2022

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2. Briefly, the facts of the case are that the respondent / Workman, namely, T.M.Shiva, joined the Company of the writ petitioner / Management on 27.01.1991. He was a permanent Workman with an unblemished service record. The allegations against the Workman were that he failed to perform his duties, which resulted in damage to the property of the Management. These duties included changing the settings in the machinery, among other tasks. Accordingly, a charge memo was issued and a domestic enquiry was conducted. Pursuant to the enquiry, the Management dismissed the Workman from service by order dated 12.09.2007.

3. Aggrieved by the said order of dismissal, the Workman approached the Labour Court and filed I.D.No.33 of 2008. During the pendency of the proceedings, the Labour Court dismissed the industrial dispute for default on 26.11.2008. Thereafter, on an application filed by the Workman, the case was restored on 19.08.2013. The Labour Court conducted a full-fledged enquiry by recording oral evidence and examining the documentary evidence let in by both the Management and the Workman. Upon such consideration, the Labour Court, by Award dated 31.08.2021, held that the dismissal of the Workman was not



W.P.(MD)No.4483 of 2022

correct and accordingly set aside the order of dismissal dated 12.09.2007. The Labour Court further directed reinstatement of the Workman with continuity of service, full back wages and other attendant benefits.

4. Aggrieved by the said Award, the present Writ Petition has been filed.

5. Though several grounds were raised by the learned counsel for the petitioner / Management on factual aspects, this Court is not inclined to re-appreciate the facts in exercise of its jurisdiction under Article 226 of the Constitution of India, since fair opportunity was given to both sides and no prejudice is caused in any manner whatsoever to the Management. Unless any glaring inconsistencies are pointed out, this Court cannot interfere on the facts of the case.

6. Having gone through the Award passed by the Labour Court, this Court finds that sufficient reasons have been assigned for arriving at the conclusion of setting aside the order of dismissal and directing reinstatement of the Workman.



W.P.(MD)No.4483 of 2022

7. The learned counsel for the petitioner / Management submitted that the Unit at Karur had become non-functional in the year 2017 and therefore, the question of reinstating the Workman at Karur does not arise. It was further submitted that the Management is presently running its Unit at Pappireddipatti and if the respondent / Workman is willing, he may join duty at the said Unit.

8. Since the Unit at Karur is non-functional, reinstatement at Karur is not feasible. As the respondent / Workman has expressed his willingness to join the Unit at Pappireddipatti, he is at liberty to do so. In the event of the Workman joining duty at Pappireddipatti, the petitioner / Management shall reinstate him with continuity of service, full back wages, and other attendant benefits.

9. However, it is brought to the notice of this Court that the Workman is not entitled to back wages for the period during which he failed to prosecute the case before the Labour Court, namely from 26.11.2008 to 19.08.2013. Further, though the Award was passed on 31.08.2021, the respondent / Workman did not join duty at the Pappireddipatti Unit thereafter. For that reason also, the Workman is not entitled to any back wages beyond 31.08.2021.



W.P.(MD)No.4483 of 2022

WEB COPY

10. The learned counsel for the petitioner / Management undertook to pay 50% of the back wages for the period between 18.09.2017 and 31.08.2021 and also the full back wages from 12.09.2007 to 26.11.2008 and from 19.08.2013 to 17.09.2017. The said said proposal is accepted by the learned counsel for the respondent / Workman.

11. In the peculiar facts and circumstances of the case, particularly, considering that the Karur Unit of the petitioner was closed and the industrial dispute dates back to the year 2008, this Court finds it reasonable to direct the petitioner / Management to pay 50% of the back wages for the aforesaid period *i.e.*, from 18.09.2017 to 31.08.2021 and full back wages from 12.09.2007 to 26.11.2008 and from 19.08.2013 to 17.09.2017.

12. Accordingly, this Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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(K.SURENDER, J.)
20.01.2026



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W.P.(MD)No.4483 of 2022

K.SURENDER, J.

smn2

W.P.(MD)No.4483 of 2022

20.01.2026