

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 24172 OF 2019

Between:

Y. Chandrasekhar, S/o Sri Swamulu Aged about 43 years, Occ. Ex Fitter
Siddhartha Heavy Equipment Limited R/o Plot No. 1-36/D/1 Javahar nagar,
Road No.6, Chanda nagar Hyderabad - 500 050

...PETITIONER

AND

M/s Siddhartha Heavy Equipment Limited, Rep. by its Managing Director
Chitkul Village, Patancheru Mandal Medak District - 502 307

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a direction, order or writ more particularly one in the nature of Certiorari a. Calling for all the relevant and connected records relating to the award dated 7.6.2019 passed in I.D. No. 37 of 2015 on the file of the Learned Labour Court - II at Hyderabad as published in G.O. Rt. No. 275 Labour Employment Training and Factories (Labour) Department dated 18.6.2019 and quash or set aside the same in so far as the decision and directions regarding Point No. 2 i.e. the relief to which the Petitioner was entitled as being arbitrary, illegal and unsustainable, b. Consequently, direct that the Petitioner be reinstated into the service of the Respondent Company and that he is entitled to all the consequential benefits including monetary and other service benefits that would flow from grant of the relief at a. above and direct the Respondent Company to release the same together with interest at prevailing Bank

rate for fixed deposits on and from the date on which the amount became due and payable till the actual payment.

I.A. NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the portion of the award impugned in the writ Petition which denies the relief of reinstatement into service so as to enable the Respondent to reinstate and entertain rite to duty.

Counsel for the Petitioner : SMT.GODA RAMALAKSHMI

Counsel for the Respondents: Mrs.K.ARUNA

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

W.P.NO. 24172 OF 2019

DATED: 05.05.2026

Between

Y.Chandrasekhar, S/o. Sri Swamulu.

... Petitioner

And

M/s.Siddhartha Heavy Equipment Limited,
Represented by its Managing Director,
Chitkul Village, Patancheru Mandal,
Medak District – 502 307.

... Respondent

ORDER

In this writ petition, the petitioner is seeking a writ of certiorari and to declare the award dated 07.06.2019 passed in I.D.No.37 of 2015 on the file of the Labour Court-II at Hyderabad as published in G.O.Rt.No.275, Labour Employment Training and Factories (Labour) Department dated 18.06.2019, as illegal only in so far as the decision and directions regarding Point No.2 i.e., the relief to which the petitioner was entitled as unsustainable and consequently to direct the respondent to reinstate the petitioner into service and that he is entitled to all the consequential benefits, including monetary and other service benefits and to direct the respondents to release the same together with interest at

the prevailing bank rate for fixed deposits on and from the date on which the amount became due and payable till the actual payment and to pass such other order or orders.

2. Brief facts leading to the filing of the present writ petition are that the petitioner was appointed as a Fitter in the respondent company in the month of June, 2005. It is stated that from 27.03.2014, the petitioner was not permitted to enter into the company gate and work, though he presented himself on 27.03.2014, 28.03.2014 and 29.03.2014 on the ground that the petitioner misbehaved with fellow workers and also used filthy language during the 'A' shift on 26.03.2014. Finally, the petitioner's services were terminated vide letter dated 07.04.2014 and the petitioner claims to have made a representation on 09.05.2014, explaining the correct facts and circumstances and requested the respondent to reconsider the removal order issued by them, but the respondent failed to consider the same and therefore, the petitioner approached the Deputy Commissioner of Labour, Sangareddy, who called for a joint meeting, but conciliation failed and therefore, the petitioner filed I.D.No.37 of 2015 before the Labour Court-II at Hyderabad.

3. The learned counsel appearing for the respondent filed a counter affidavit denying the averments in the writ petition and submitted that the petitioner was a habitual absentee and also misbehaved with co-workers and that two or three instances of his behaviour have been mentioned in the counter affidavit. The Tribunal framed two questions for consideration i.e., (i) whether the termination of the employee is illegal, arbitrary and against the principles of natural justice; (ii) if not, to what relief the petitioner is entitled to ?

4. The first point has been held in favour of the petitioner and it was held that termination of the petitioner is illegal. As regards the second point, it was observed that after termination of the petitioner from service, the management settled the benefits and dues for an amount of Rs.54,081/- and the same was paid to the petitioner by way of a cheque. The Court observed that the said amount was perhaps paid as one month's salary in lieu of notice and further observed that though removal is illegal and against the principles of natural justice as no departmental inquiry was conducted and the petitioner was deprived of the opportunity to defend his case, the petitioner is entitled for the benefits. The Court further observed that since the matter was more than four years old, however, reinstatement of the petitioner into service

would cause prejudice to the management and therefore, it awarded compensation of a sum of Rs.2 lakhs to be paid to the petitioner. The petitioner has challenged the award of the Labour Court only as regards the second point i.e., not reinstating the petitioner into service but awarding the compensation.

5. Learned counsel for the petitioner, while reiterating the averments made in the writ affidavit submitted that after holding that the termination is illegal, the consequential direction should have been to reinstate the petitioner into service with all consequential benefits, but, the Labour Court has only computed the compensation and that too without any basis or formula. He submitted that even if it were to be held that the petitioner is entitled to the compensation, there should be some basis for calculating the same and he referred to the criteria and formula being followed in cases of awarding compensation in accident claim matters. He submitted that the petitioner is entitled to a higher amount of compensation than the sum ordered by the Labour Court. He made these submissions without prejudice to his claim for reinstatement of the petitioner into service.

6. Learned counsel for the respondent, on the other hand, relied upon the averments made in the counter affidavit and submitted

that the petitioner's misbehavior and repeated absenteeism are the causes for the employer losing confidence in the petitioner and therefore his services were terminated. He, therefore, justified the termination order. Further, he submitted that the compensation as directed by the Labour Court has already been paid by the respondents by depositing the said amount before the Labour Court. He submitted that the petitioner is not entitled for any other relief.

7. Learned counsel for the respondent also placed reliance upon the judgments of the Hon'ble Supreme Court in the case of **Punjab Dairy Development Corporation Limited and Another Vs. Kala Singh and Others**¹ and also in the case of **M/s.Francis Klein and Co. (P) Ltd., Vs. Their Workmen and Another**², for the proposition that reinstatement of an employee is not the only solution, particularly when the management has lost confidence in the employee even if the termination order is set aside.

8. Having regard to the rival contentions and the material on record, this Court finds that the finding of the Labour Court that the termination is illegal has attained finality, as even the respondent has not

¹ (1997) 6 SCC 159

² (1972) 4 SCC 569

challenged the same. The natural corollary in such circumstances would have been to direct reinstatement of the petitioner into service, particularly since the pendency of the ID before the Lower Court was not due to any reasons attributable to the petitioner, the Labour Court ought not to have held that there is a delay of four years in disposal of the appeal and therefore, the petitioner could not have been reinstated into service. The dismissal order is dated 07.04.2014 and immediately thereafter, the petitioner has approached the Deputy Commissioner of Labour, Sangareddy and conciliation proceedings have taken place and after failure of the conciliation proceedings only, the petitioner has filed ID No.37 of 2015. Therefore, it is clear that the delay was attributable to the petitioner at all.

9. In view of thereof, the Labour Court ought to have directed the reinstatement of the petitioner into service with consequential benefits. However, the Labour Court in its wisdom, has directed the payment of compensation and after the lapse of six years from the date of the order of the Labour Court, this Court is also of the opinion that it may not be prudent and proper to direct reinstatement of the petitioner into service, since the relationship between the employer and employee is not congenial. The respondent is a private organization

and therefore, instead of reinstatement into service, this Court is also of the opinion that it is just and proper that compensation should be paid to the petitioner.

10. Learned counsel for the respondent submitted that the compensation awarded to the petitioner has already been deposited before the Labour Court and with interest would be around Rs.4 lakhs now.

11. Learned counsel for the petitioner, however, had calculated the just compensation at Rs.14 lakhs and odd and claimed 50% of the same to be payable to the petitioner.

12. After considering the contentions of both the parties, this Court is also of the firm view that there should be some basis for computing compensation payable to the petitioner and there is no basis provided by the Labour Court and in order to meet the ends of justice, this Court directs the respondent to pay a further sum of Rs.1,50,000/- to the petitioner and the petitioner is also permitted to withdraw the sum of Rs.2,00,000/-, deposited before the Labour Court along with interest accrued thereon.

13. This writ petition is accordingly disposed of. There shall be no order as to costs.

14. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/- C. DEEPIKA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to SMT.GODA RAMALAKSHMI, Advocate. [OPUC]
2. One CC to Mrs.K.ARUNA, Advocate [OPUC]
3. Two CD Copies.

BSK

GJP

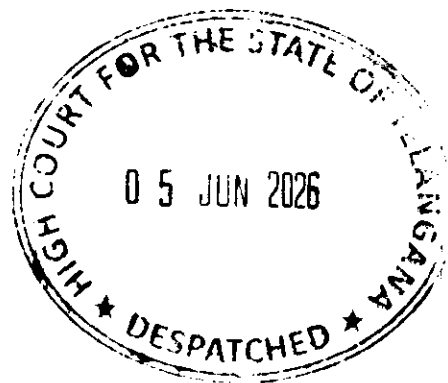


HIGH COURT

DATED: 05/05/2026

ORDER

WP.No.24172 of 2019



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

⑤ NT
5/6/26