



W.P.(MD).No.1630 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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and

W.M.P.(MD).No.1395 of 2019

Workmen of Jothi Engineering Works,
Represented by United Labour Federation,
Through its Branch President,
G.Marimuthu,
149, Thambu Chetty Street,
4th Floor, C.J.Complex,
Chennai – 600 001.

... Petitioner

Vs.

The Management,
Jothi Engineering Works,
No.27, Gokhale Road,
Chinna Chokkikulam,
Madurai – 625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the order of the labour court, Madurai relating to its order in I.D.No.26 of 2009 dated 11.02.2015 and quash the same and consequently directing the respondent Management to reinstate the petitioner workmen in their service with full back-wages, continuity of service and with all other emoluments.



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For Petitioner : Mr.K.R.Shivasankari

ORDER

This Writ Petition is filed challenging the award in I.D.No.26/2009 dated 11.02.2015 and consequently directing the respondent Management to reinstate the petitioner workmen in their service with full back-wages, continuity of service and with all other emoluments.

2. This petition is filed by the Union namely Workmen of Jothi Engineering Work represented by its branch President United Labour Federation. The respondent is a Company who was engaged in manufacturing the Deep-well and Mono-Block pump sets. The production and business of the said deep well pumps have deteriorated, to be precise the business has gone from bad to worse from April 02, 1999 onwards, since the cost of raw materials has steeply raised. Moreover, the ground water level was drastically reduced and the jet pumps cannot be used to lift water. The use of submersing pumps and compressive pumps has occupied the place of jet pumps. Therefore, there is no market for the mono blocks driven pumps. Therefore, the said Company has decided to close the Company and the respondent Management has sent



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notice dated 04.11.1989 along with the cheque and the same was received by the seven workers on 06.11.1989. The contention of the federation is that they have received the cheque by reserving their right to agitate the closure of the unit. They have submitted objections to the closure, thereafter, preferred ID before the Labour Court. The Labour Court after considering the claim of rival parties has decided that the Company have rightly decided to close the unit, since the company was not viable and has accepted the compensation granted to the seven workers. The claim of the petitioner Federation is that the Management was not genuine and bonafide in closing the unit, since the Management has infrastructure to go for diversion. Moreover, in order to avoid granting increase wages has implemented the peace rate system of wages to the employees from 1989, which was strongly resisted by the employees. Therefore, in order to avoid such demand from the workers, they have issued the notice and closed the Unit. Moreover, the Management has not shown the trademark name to any concern. For all these reasons, the Federation is before this Court.

3. On perusal of the order passed by the Labour Court, it is seen that the documents produced by the respondents as well as the petitioner were perused by the Labour Court and has come to the conclusion that the allegation of the



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Federation is vague and the petitioner has neither furnished any necessary particulars nor produced any evidence to prove the alleged reasons, especially the Federation has not proved the alleged illegality. Every point that was raised by the petitioner Federation is answered by the Labour Court in the impugned I.D award. However, this Court is of the considered opinion that the compensation that was granted to the workers may be increased. Therefore, each and every worker is entitled to Rs.3,000/- (Rupees Three Thousand only) more than the award that was granted to the workers. Therefore, the respondent is directed to pay Rs.3,000/- (Rupees Three Thousand only) to each worker, apart from already settled amount. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. Hence, this Writ Petition is disposed of with the above modification. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

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