

IN THE HIGH COURT OF JUDICATURE AT MADRAS

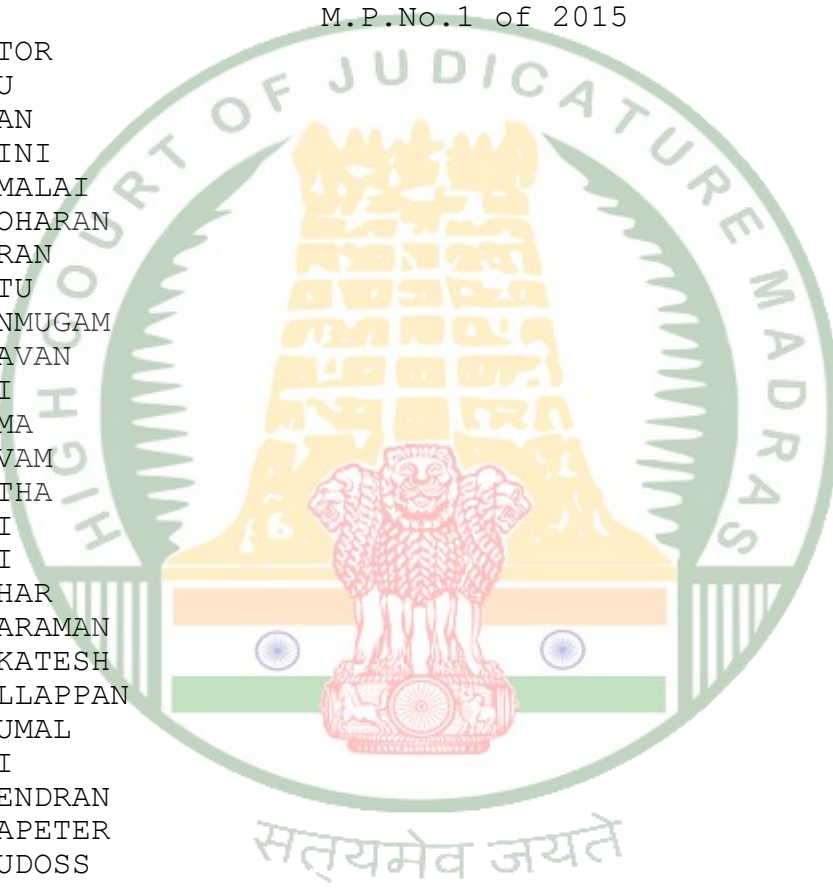
DATED: 09.09.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

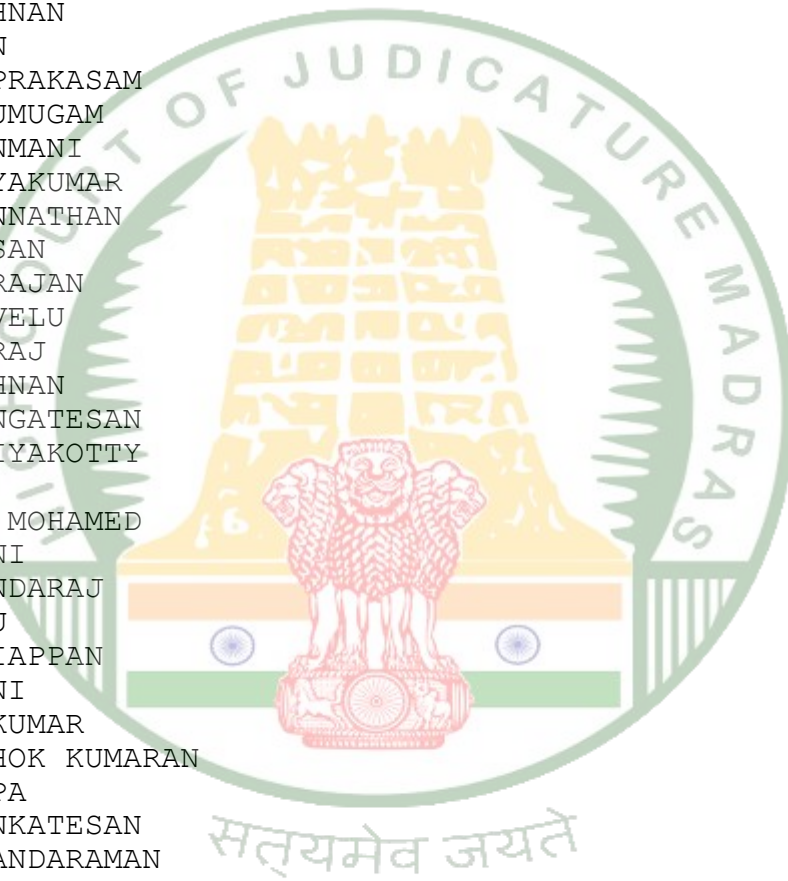
O.S.A.No.178 of 2015
and
M.P.No.1 of 2015

- 1 M.VICTOR
- 2 N.GURU
- 3 V.SIVAN
- 4 E.RAJINI
- 5 A.ELUMALAI
- 6 V.MANOCHARAN
- 7 K.VEERAN
- 8 M.PATTU
- 9 K.SHANMUGAM
- 10 R.KESAVAN
- 11 E.RAVI
- 12 M.PADMA
- 13 N.SELVAM
- 14 S.SANTHA
- 15 K.ASAI
- 16 V.MANI
- 17 R.SUDHAR
- 18 V.JAYARAMAN
- 19 S.VENKATESH
- 20 M.CHELLAPPAN
- 21 R.PERUMAL
- 22 D.RAVI
- 23 M.RAJENDRAN
- 24 S.RAJAPETER
- 25 M.JESUDOSS
- 26 V.GIPSONRAJ
- 27 S.MAHENDRAN
- 28 T.PUNNIAKOTTI
- 29 G.M.MURUGAN
- 30 M.MURUGAN
- 31 V.VENKATESAN
32. G.MANI
33. J.MOHANRAJ
34. S.SHANMUGAM
35. M.SRINIVASAN
36. R.SRINIVASAN
37. A.SEKAR
38. N.SEKAR



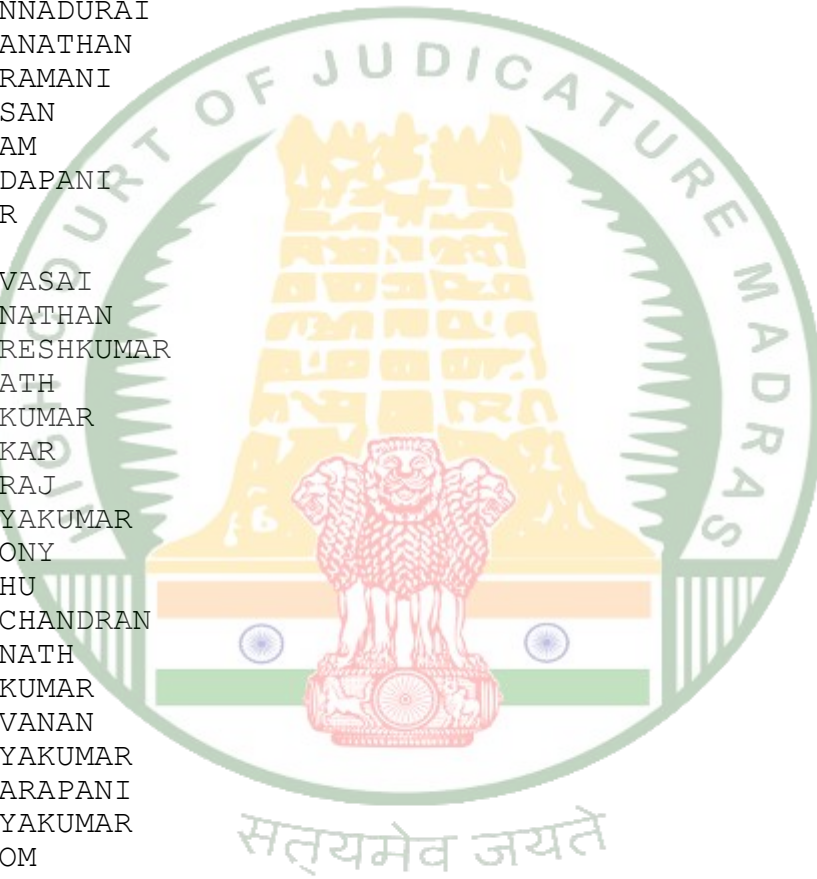
WEB COPY

39. G.K.RAJENDRAN
40. S.SAMUEL
41. K.THIRUNAVUKARASU
42. D.LOGANTHAN
43. M.JESUDOSS
44. V.KOTTI
45. R.SELVAM
46. M.MANI
47. D.MADHAN
48. M.MURALI KRISHNAN
49. M.MARIADOSS
50. D.SUGUNA
51. M.KRISHNAN
52. N.RAJAN
53. S.SIVAPRAKASAM
54. R.A.ARUMUGAM
55. E.MANONMANI
56. E.VIJAYAKUMAR
57. E.JAGANNATHAN
58. E.GANESAN
59. M.NAGARAJAN
60. G.VADIVELU
61. S.JAYARAJ
62. E.KRISHNAN
63. B.P.VENGATESAN
64. G.PUNNIYAKOTTY
65. G.KALA
66. A.NOOR MOHAMED
67. S.S.MANI
68. T.GOVINDARAJ
69. K.MUTHU
70. N.KANNIAPPAN
71. M.PALANI
72. B.SIVAKUMAR
73. N.K.ASHOK KUMARAN
74. V.PUSHPA
75. K.V.VENKATESAN
76. P.KOTHANDARAMAN
77. B.DEENADAYALAN
78. R.SEKAR
79. P.SURESHKUMAR
80. P.N.VENKATESAN
81. P.RAJI
82. C.KARUNANIDHI
83. A.ASSLAM JOHN
84. G.SANKAR
85. T.SRINIVASAN
86. A.MARIMUTHU
87. M.D.K.NOORULLAH
88. N.BAGAVAN
89. A.ALBERT



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90. S.KADIRVEL
91. V.GOVINDHARAJU
92. S.JOHN PETER
93. G.SELVAM
94. H.PARTHIBAN
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96. S.MAHENDRAN
97. P.CHAKARAPANI
98. M.SIVARAJ
99. B.ANBU
100. M.JAGANATHAN
101. K.RAMSINGH
102. M.CHINNADURAI
103. P.LOGANATHAN
104. D.SUBRAMANI
105. C.GANESAN
106. G.SAIRAM
107. M.DHANDAPANI
108. D.LAZAR
109. M.MANI
110. A.AMMAVASAI
111. K.HEMANATHAN
112. R.K.SURESHKUMAR
113. R.SAMPATH
114. P.RAVIKUMAR
115. M.SHANKAR
116. G.NAGARAJ
117. P.SATHYAKUMAR
118. A.ANTHONY
119. V.PRABHU
120. A.JAYACHANDRAN
121. K.GOPINATH
122. E.SIVAKUMAR
123. P.SARAVANAN
124. C.SATHYAKUMAR
125. D.CHAKARAPANI
126. A.VIJAYAKUMAR
127. P.MALCOM
128. R.RUBAN
129. G.SIVAKUMAR
130. R.RAJI
131. X.FRANCIS
132. K.ELUMALAI
133. M.LEO CANVEY
134. M.RAMESH
135. M.VELU
136. K.SUDHAKAR
137. B.RAJI
138. K.GOVINDASAMY
139. H.ARUL
140. K.SURESH



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141 M.SENTHIL
142 S.CHANDRAN
143 ANTONY UDAYAKUMAR
144 M.SAROM SAHAYAM
145 A.MAYALAGU
146 S.V.BABURAJ
147 D.KARNAN
148 K.SARAVANAN
149 R.KANDASWAMY
150 V.SARAVANAN
151 D.SEETHARAMAN
152 G.R.SELVAM
153 M.GOPINATH
154 R.SCHELLITO ANINEL GARFIELD
155 T.MATHIALAGAN
156 S.MOORTHY
157 K.KUMARESAN
158 M.SAMUEL
159 S.RAMESH PANDI
160 B.SANTHOSH SINGH
161 J.SRINIVASAN
162 D.YUVARAJ
163 M.R.PARI CHELVAN
164 R.KUMAR

Versus

THE MADRAS RACE CLUB
REP.BY ITS SECRETARY POST BOX NO.2639
GUINDY CHENNAI 32

...RESPONDENT

Appeal filed under Order 36 Rule 1 of Original Side Rules read with Clause 15 of the Letters Patent, against the O.A.No.78 of 2013 in C.S.No.72 of 2013, on the file of this Court.

O.A.78/2013: Original Application praying that this Hon'ble Court be pleased to grant an order of ad Interim injunction restraining the Respondent from denying wages to the workers for the period beginning 17/12/2012 onwards having denied and continuing to deny the ccess to the workers to the place of workers to the place of work.

For Appellant

.. Mr.V.Prakash
Senior Counsel
for Mr.K.Sudalaikannu

For Respondent

.. Mr.L.Dhamodaran

J U D G M E N T

(Judgement of the Court was delivered by The Hon'ble Chief Justice)

We have heard the learned counsel for the parties.

2. We would have some reservation on the findings of the learned Single Judge to the extent it states that a period of two years has lapsed from the institution of the suit and that would deny the interim relief as the said period was consumed in the disposal of the application filed by the respondent under Order VII Rule 1 of Civil Procedure Code and thus, the blame cannot be put on the appellant.

3. The other aspect which has weighed with the learned Single Judge is that the nature of interim relief claimed would amount to decreeing the final suit. It is suffice to say that the present suit is of a nature where there is hardly any oral testimony, as the claim of the appellants as workmen is based on the fact that they did go on strike, but after they called off the strike, they reported for duty and they have not been paid their wages from the date they reported for duty. On the other hand, the stand sought to be taken by the respondent is that when the appellants went on strike, they were replaced by other persons in the job, for the security to be in place and in effect, their services stand terminated. We may however notice that there is dispute over the fact whether there is actually any termination or not in accordance with the Industrial Disputes Act, 1947.

4. In the aforesaid contours of the dispute, it is agreed that the appeal may be disposed of in the following terms:

a) Written statement having been filed, the replication may be filed within two weeks thereof.

b) In view of the limited nature of evidence required, keeping in mind the already overburdened roster of the Master list, it is agreed that the evidence be recorded before a retired Judicial Officer, to expedite the final disposal of the suit. Normally in such a case, the costs would be borne in equal shares, but given the unequal position of the two parties, the respondent has to bear the costs of recording the evidence which is quantified at Rs.50,000/- apart from out of pocket expenses.

c). We appoint Mr.C.Manickam, a retired Judicial Officer to record evidence.

d). So far as preparing the suit for recording of evidence is concerned, the matter be listed before the

learned Single Judge for framing of issues on 30th September, 2015.

e) The parties will file their respective documents within two weeks thereafter and the matter be listed before the Master on 14th October, 2015 for exhibiting the documents. Thereafter, the evidence will be recorded before the Commissioner.

f). On recording of evidence being completed, the matter be listed for direction before the learned Single Judge for giving a final quietus to the matter in view of the limited issues involved and also in line with the view of the learned single Judge that the relief in the nature of interlocutory stage is really a relief at the final stage.

5. The Original Side Appeal is disposed of in the aforesaid terms, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

ksr

To

The Sub-Assistant Registrar,
Original Side Section,
High Court, Chennai - 104.

Copy to:

1. Mr.C.Manickam, (Rtd.), Judicial Officer.

+1 cc to Mr.K.Sudalaikannu, Advocate, sr.49095

+2 ccs to Mr.L.Dhamodaran, Advocate, sr.49396

O.S.A.No.178 of 2015

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