

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.36215 to 36220 of 2015 & MP.No. 1, 1 & 1 of 2015
in
WP 36216, 36218 & 36220/15

The Official Liquidator
[Liquidation Officer] Salem
Cooperative Spinning Mills Limited
Salem, Now at O/o.The Deputy
Director of Handlooms and Textiles
R.No.407, 4th Floor, Collectorate Campus
Salem 636 001. ... Petitioner in all the writ petitions

Vs.

1.The Presiding Officer
Labour Court, Salem. ... 1st Respondent in all the writ
petitions

2.V.Rajendran ... 2nd respondent in
WP.No.36215 & 36216/2015

3.G.Murugesan ... 2nd respondent in
WP.Nos.36217 & 36218/2015

4.N.Mohanraj ... 2nd respondent in
WP.Nos.36219 & 36220/2015

5.Salem Cooperative Spinning Mills Limited
Kamaraj Nagar Colony, Ammapet
Salem 636 003. ... 3rd
respondent in
all the writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the entire records relating to the order dated 25.08.2015 in IA.Nos.95/2015 and 96/2015 in ID.No.549/2004 and IA.Nos.97/2015 and 98/2015 in ID.No.550/2004 ; IA.Nos.99/2015 and 100/2015 in ID.No.551/2004 on the file of the Labour Court, Salem, quash the same, allow IA.Nos.95/2015 and 96/2015 in ID.No.549/2004 and IA.No.97/2015 and 98/2015 in ID.No.550/2004 ;

IA.Nos.99 and 100/2015 in ID.No.551/2004 as respectively prayed for.

For Petitioner in all
the writ petitions : Mr.D.Sivakumaran

COMMON ORDER

Heard Mr.D.Shivakumaran, learned counsel appearing for the petitioner in the above writ petitions and the writ petitions are disposed of at the admission stage itself.

2 The petitioner in the above writ petition is the Liquidation Officer of the Salem Cooperative Spinning Mills Limited. Challenge is made to the orders passed by the Labour Court, Salem, in the Interim Application Nos.95/2015 to 100/2015 in ID.Nos.549, 550 and 551/2004. These interim applications have been filed in three Industrial Disputes raised by the respective 2nd respondent/workmen. The respective 2nd respondent/workmen were the erstwhile employees of the Mill who were terminated from service. They raised the dispute in the year 2004, questioning the termination. The disputes have been pending all these years. After the Mill has gone into liquidation, now the Liquidation Officer has filed two interim applications in each of the three Industrial Disputes with identical prayers to reopen the Industrial Disputes for further evidence and to appoint an Advocate Commissioner to ascertain as to whether the Mill has been closed down. The Labour Court, after considering the matter in detail and taking into consideration the evidence of R.W.1 [Palanivelu] who has stated that he is still working in the Mill, held that the applications cannot be entertained because the petitioner herein can prove their contention by oral and documentary evidence which have already been let-in. With regard to the reopening, the Labour Court has given reasons for rejection of the petitions and also noted that the Industrial Disputes were raised in the year 2004 and posted for arguments and at the final stage, these applications filed, cannot be entertained. The reasons assigned by the Labour Court are just and proper and no grounds have been made out to entertain these writ petitions against the order passed in the interim applications by the Labour Court.

3 Accordingly, the writ petitions fail and the same are dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

4 The Liquidation Officer is entitled to place all the

arguments and also submit his written argument before the Labour Court which shall be taken into consideration.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

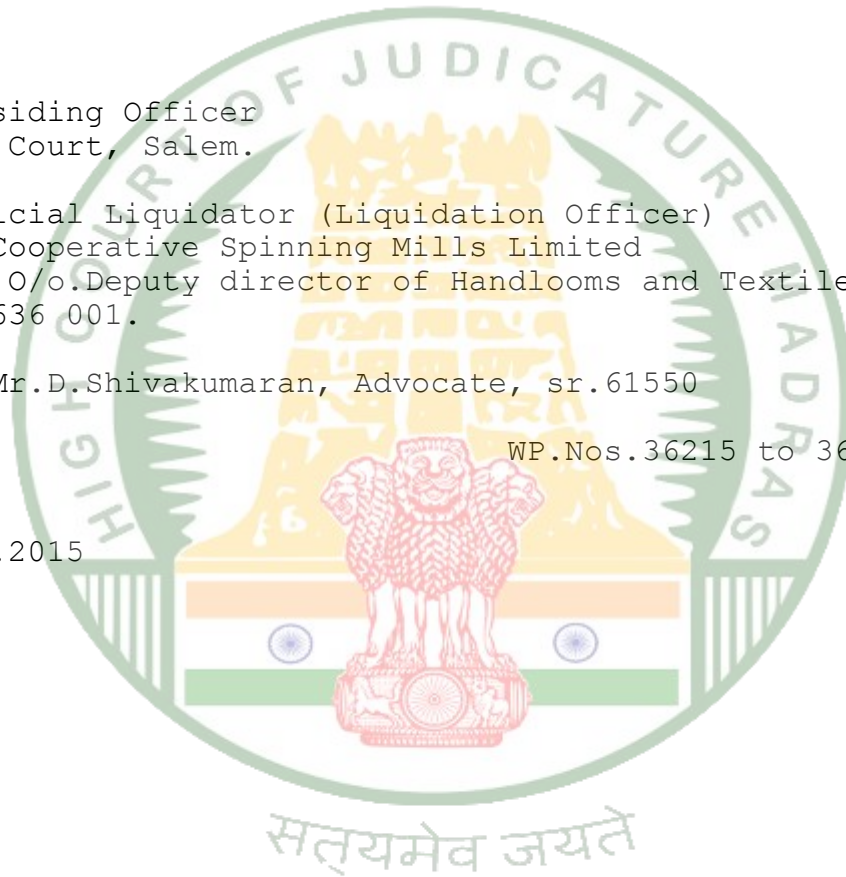
1.The Presiding Officer
Labour Court, Salem.

2.The Official Liquidator (Liquidation Officer)
Salem Cooperative Spinning Mills Limited
Now at O/o.Deputy director of Handlooms and Textiles,
Salem 636 001.

+1 cc to Mr.D.Shivakumaran, Advocate, sr.61550

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