

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13233 of 2003

- 1.Shri Lakshmi Spinners Ltd.,
C/o.Lakshmi Mills Compound,
Lakshmipuram, Kovilpatti,
rep. by its Managing Director K.Selvaraj.
- 2.K.R.Appasamy Naidugaru,
Ex-Chairman,
Shri Lakshmi Spinners Ltd.,
No.10, Green Field Colony,
Puliyankupam Road,
Coimbatore-45.
- 3.K.Selvaraj,
Managing Director,
Shri Lakshmi Spinners Ltd.,
C/o.Lakshmi Mills Compound,
Lakshmipuram Kovilpatti.
- 4.N.Vasanthra,
Director,
Shri Lakshmi Spinners Ltd.,
C/o.Lakshmi Mills Compound,
Lakshmipuram Kovilpatti.
- 5.Arun Selvaraj,
Executive Director,
Shri Lakshmi Spinners Ltd.,
C/o.Lakshmi Mills Compound,
Lakshmipuram Kovilpatti.

Petitioner

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सत्यमेव जयते
Vs

- 1.Government of Tamilnadu,
rep. by its Deputy Secretary to Government,
Labour & Employment (B1) Department,
Fort St. George,
Chennai-600 006.
- 2.Joint Commissioner of Labour,
(Conciliation),
Labour Welfare Board,
DMS Compound,
Teynampet, Chennai-600 006.
- 3.Deputy Commissioner of Labour,
Kotturavu Maligai, Indira Nagar,

Anna Nagar, Madurai-625 020.
4.Labour Officer,
Collectorate Office,
Virudhunagar District.
5.Inspector of Labour,
Kandapuram street,
Virudhunagar,
Virudhunagar District.
Respondents

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Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the first respondent made in G.O.(D) No.319 Labour and Employment (B1) Department dated 12.03.2003 and quash the same.

For Petitioner : Mr.S.Silambanan
Senior Counsel
for
Mr.N.Umapathi

For Respondents : Mr.R.Lakshmi Narayanan
Addl. G.P. for R1 to R5

O R D E R

The petitioner is the Spinners Limited and the challenge in this writ petition is to the order passed by the Government in G.O.(D) No.319, Labour and Employment (B1) Department, dated 12.03.2003 by which, the Government in exercise of its power under Section 34(1) of the Industrial Disputes Act, 1947 (hereinafter referred to the "said Act") directed that a compliant be given against the petitioner Management and the members of the Management for the offence punishable under Section 25 (Q) of the said Act.

2. Though the respondents have been served and entered appearance, they have not filed any counter-affidavit.

3. The interim order, which was granted in 2003 was made absolute subsequently on 11.8.2003. Thus by efflux of time, nothing further survives for adjudication in this case as the aggrieved employees Union have to work out their remedies before the appropriate forum under the said Act.

4. In the light of the above, the writ petition is allowed and the impugned order is quashed, leaving it open to the respondents to initiate fresh proceedings, if any arises. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Secretary to Government,
Labour & Employment (B1) Department,
Fort St. George,
Chennai-600 006.
2. The Joint Commissioner of Labour,
(Conciliation),
Labour Welfare Board,
DMS Compound,
Teynampet, Chennai-600 006.
3. The Deputy Commissioner of Labour,
Kotturavu Maligai, Indira Nagar,
Anna Nagar, Madurai-625 020.
4. The Labour Officer,
Collectorate Office,
Virudhunagar District.
5. The Inspector of Labour,
Kandapuram street,
Virudhunagar,
Virudhunagar District.
6. The Section, Officer,
VR Section,
High Court, Madras

[31/05/2016]

+1 cc to the Government Pleader sr.65723

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