



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2015

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WRIT PETITION (MD) No.16615 of 2013
and M.P.(MD)No.1 of 2013

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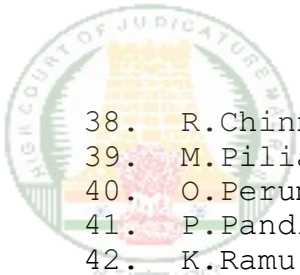
THE MANAGEMENT
PENAR SPECIALITY PRODUCTS (P) LTD.,
(NOW KNOWN AS KERN ENTERPRISES (P) LTD.)
REP.BY ITS DIRECTOR A.SIVAGNANAM,
29/3, VALAYANKULAM-625 022,
MADURAI DT.

... Petitioner

-vs-

1. The Presiding Officer
Labour Court,
District Court Building,
Madurai-20.

2. R.Rajendran
3. V.Mokkaraj
4. P.Pitchaimani
5. C.Muthulingam
6. G.Murugan
7. R.Ramakrishnan
8. M.Pitchai
9. C.Kandan
10. G.Ayyavoo
11. P.Muthu
12. V.Pakiaraj
13. C.Arumugam
14. P.Chinnapandi
15. P.Thavapandi
16. P.Vellaisamy
17. C.Chinnandi
18. S.Mani
19. A.Ponnampalam
20. P.Adaikkan
21. P.Chellakannu
22. S.Matchakalai
23. P.Malayan
24. O.Subramanian
25. M.Chinnakalai
26. P.Balasubramani
27. S.Kandarao
28. S.Lakshumanan
29. M.Chakkaiah
30. M.Alagar
31. V.Manimuthu
32. V.Pitchairaj
33. R.Mayilsamy
34. K.Chinnakalai
35. S.Kandasamy
36. S.Kandasamy
37. V.Murugan



38. R.Chinnamuthu
39. M.Pilian
40. O.Perumal
41. P.Pandi
42. K.Ramu
43. K.Murugan
44. M.Adikkan
45. K.Subburaj
46. A.Pitchai
47. M.Rajendran
48. M.Periyasamy
49. R.Udayar
50. U.Andi
51. A.Gopal
52. T.Alagar
53. P.Annadurai
54. S.Rasu
55. The Management
Indian Syntans Ltd.,
29/3, Valayankulam,
Madurai-625 022.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Certiorari, calling for the records of the 1st respondent in the proceedings dated 09.07.2013 in the memo filed in I.D.No.112/1996 and quash the same .

For Petitioner : Mr.R.Sivamanogaran

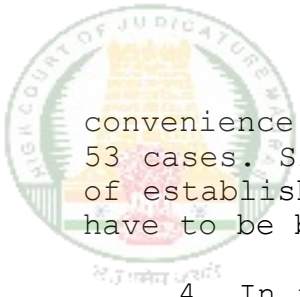
For R1 : Mr.R.Velmurugan
Govt. Advocate

O R D E R

The petitioner has come forward with this writ petition, challenging the order of the Labour Court in allowing joint trial by taking into consideration the common evidence vide proceedings dated 09.07.2013 in the memo filed in I.D.No.112/1996 and to quash the same .

2. Though the respondents 2 to 55 have been served and their names were also printed in the cause list, no one represented for them. According to the petitioner, the employees have resigned their services on various dates and raised a dispute stating that they have been verbally terminated and the disputes have also been raised in various years. The petitioner has stated that each individual has given different reasons to contend that they have been forced to resign from services and that amounts to denial of employment. Since each and every person is giving a different story, unless or until those persons are examined by getting them into box to tender evidence, it will be difficult for the petitioner to disprove the allegations, though burden is on the respondents/workmen, who raised the dispute, to establish their case.

3. Since the issue raised by the respondents / workmen is that they have been forced to resign their job and that the issue is also common, there is nothing wrong in the Labour Court ordering for a joint trial. At the same time, it is to be remembered that unless an employee gets into box to tender evidence, it will be difficult for the petitioner to disprove the allegations, though burden is on the respondents/workmen, who raised the dispute, to establish their case. That apart, it will be



convenience for the Management to let in a common evidence with regard to 53 cases. Since the workmen have invited a joint trial with the fond hope of establishing their individual case in the joint trial, they themselves have to be blamed for such thing and not others.

4. In view of this, this Court is of the view that there is no need to interfere with the order of the Labour court allowing joint trial. Hence, this writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

The Presiding Officer
Labour Court,
District Court Building,
Madurai-20.

+1cc to M/s.R.Sivamanogaran, Advocate SR.No.17798

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