

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 21.4.2016

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Appeal Nos.483 to 487 of 2016
and
C.M.P.Nos.6679 to 6682 of 2016

V.Soundararajan	Appellant in W.A.No.483 of 2016
N.Rajendran	Appellant in W.A.No.484 of 2016
R.Velumani	Appellant in W.A.No.485 of 2016
R.Devadoss	Appellant in W.A.No.486 of 2016
R.Jagadeesan	Appellant in W.A.No.487 of 2016

Vs

1.The Presiding Officer,
Labour Court, Coimbatore.

2.M/s.Akshya Textiles Ltd.,
P.B.No.2008,
Ganapathi (Post)
Coimbatore.

Respondents in all the five cases

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.3.2010 made in W.P.Nos.15603 to 15607 of 1996 respectively.

Writ petitions 15603 to 15607/1996 filed under Article 226 of the constitution of India praying for a writ of certiorarified Mad mus calling for the records pertaining to ID.Nos.273, 239, 275, 241, 240/1987 and quash the award dated 5.1.1999 passed by the first respondent in the said case and direct the second respondent to reinstate the petitioner with continuity of services, full back wages and with all other benefits

For Appellant : Mr.N.Krishnakumar

COMMON JUDGMENT

V.BHARATHIDASAN, J.

All the above appeals were filed against the common order passed in Writ Petition Nos.15603 to 15607 of 1996 dated 12.3.2010, dismissing the writ petitions.

2. We have heard Mr.N.Krishnakumar, learned counsel for the appellants.

3. The case of the appellants was that they were employed as Badlis in the second respondent Company and dismissed from service from 01.12.1984, therefore, they had raised an industrial dispute before the Conciliation Officer and on the strength of the failure report, the matter was referred for adjudication before the Labour Court, Coimbatore. Earlier, the Labour Court by a common Award held that the appellants are not entitled for reinstatement but only eligible for a lump sum compensation of Rs.2,000/- each. Aggrieved over the said Award, the Workmen filed two writ petitions before this Court being W.P.No.10975 of 1989 and W.P.No.10918 of 1990 and this Court, by an order dated 08.09.1993, allowed the writ petitions, set aside the Award and remanded the matter to the Labour Court for fresh disposal.

4. On remand, the Labour Court passed an Award on 05.01.1994 holding that the workmen were not paid fixed monthly salary and only when the permanent workers were absent, they worked as a substitute in those vacancies, only when there is a vacancy, their services were utilised hence, they cannot claim for reinstatement, but, they are eligible for compensation and granted a sum of Rs.35,000/- as compensation to each workman. Against the above Award, the second respondent Management filed writ petition in W.P.Nos.19201 to 19205 of 1994 and the appellants filed the instant writ petitions. Both the batch of writ petitions were clubbed together and a learned Single Judge dismissed all the writ petitions by order dated 11.2.2002. The Management did not challenge the order of dismissal of their writ petitions, whereas, the workmen went on Appeals in W.A.Nos.1791 to 1795 of 2002, on the ground that their writ petitions were dismissed in their absence. A Division Bench of this court allowed the writ appeals by order dated 28.08.2007 setting aside the order passed in the writ petitions filed by the appellants and remanded the matter to the learned Single Judge on the ground that an opportunity has to be afforded to the workmen. On remand, the writ petitions were dismissed by the learned Single Judge holding that the appellants are only Badlis and not regular workers hence, the question of reinstating them without existence of the post may not arise and the question of not conducting proper enquiry also does not arise in granting the relief is a discretion vested with the Labour Court and the Labour Court, taking into account the nature of the employment, the status of the workmen and other relevant factors, granted the relief, the learned Single Judge, after referring a judgment of the Supreme Court in Madhya Pradesh Admn. v. Tribhuban ((2007) 9 SCC 748), dismissed the writ petitions.

5. We do not find any illegality or irregularity in the order passed by the learned Single Judge and there is no valid reason to interfere with the same. Hence, the writ appeals fail and consequently, the same are dismissed. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Presiding Officer,
Labour Court, Coimbatore.

+1cc to Mr.N.S.Nandakumar, Advocate, S.R.No.24840

VSN(CO)
EU(12/05/2016)

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