

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2016

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.41587 of 2016 and W.M.P.No.35598 of 2016

National Co-operative Textile Mills
Workers Union Registration No.60 SLM
rep. by its General Secretary
M. Gurusamy, S/o.K.T.Munusamy
2, First Market Street
Ammapettai, Salem - 636 003

Petitioner

Vs.

1. The Secretary to Government
Labour & Employment Department
Fort St.George, Chennai-9
2. The Director of Handlooms
and Textiles, 2nd Floor
Kuralagam, Chennai - 108
3. The Deputy Director of Handlooms
and Textiles, Room No.407
4th Floor, Collectorate
Salem - 2
4. Administrator (in - charge)/Liquidator
Salem Co-operative Spinning
Mills Ltd., Room No.407
4th Floor, Collectorate
Salem - 2

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 4th respondent to desist from removing the machineries and mills premises of Salem Co-operative Spinning Mills situated at Kamarajar Nagar Colony, Salem - 14 to third parties without satisfying the lawful dues of the workmen and pass further orders.

For petitioner	: Mr. R. Md. Nasrullah
For respondents	: Mr. M. Elumalai, Govt. Adv. for R1 Mr. L.P. Shanmugha Sundaram, Spl.G.P.for R2 to R4 *****

O R D E R

The National Co-operative Textile Mills Workers Union bearing Registration No.60 SLM has unnecessarily come to this Court seeking a writ of mandamus to direct the Administrator (in-charge)/Liquidator Salem Co-operative Spinning Mills Ltd., at Kamarajar Nagar Colony, Salem - 14 to desist from removing the machineries and mills premises to third parties without satisfying the lawful dues of the workmen and pass further orders.

2. The affidavit filed in support of the writ petition also clearly shows that when some of the workmen had approached the Deputy chief Inspector of Factories, Salem with a claim petition with a prayer to confer 222 workmen with a permanent status, their claim petitions were allowed by the Labour Court, Salem by order dated 17-09-2007. When the Management of the Mills preferred writ petition, W.P.No.21551of 2009, before this Court challenging the said order, the same was also dismissed. In pursuance of the same, the workmen filed an execution petitions, viz., R.E.P.Nos.139, 153, 155 to 162 and 165 to 169 of 2015 and the same is pending on the file of the Labour Court, Salem.

3. When the individual workmen had filed their execution petition, the question of granting writ of mandamus directing the fourth respondent to desist from removing the machineries and mills premises of Salem Co-operative Spinning Mills Ltd., at Kamarajar Nagar Colony, Salem - 14 to third parties without satisfying the lawful dues of the workmen is unsustainable and also unnecessary as they have to approach the Execution Court only for appropriate orders. Therefore, this Court is not inclined to entertain this writ petition.

4. In view of the above, the writ petition is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

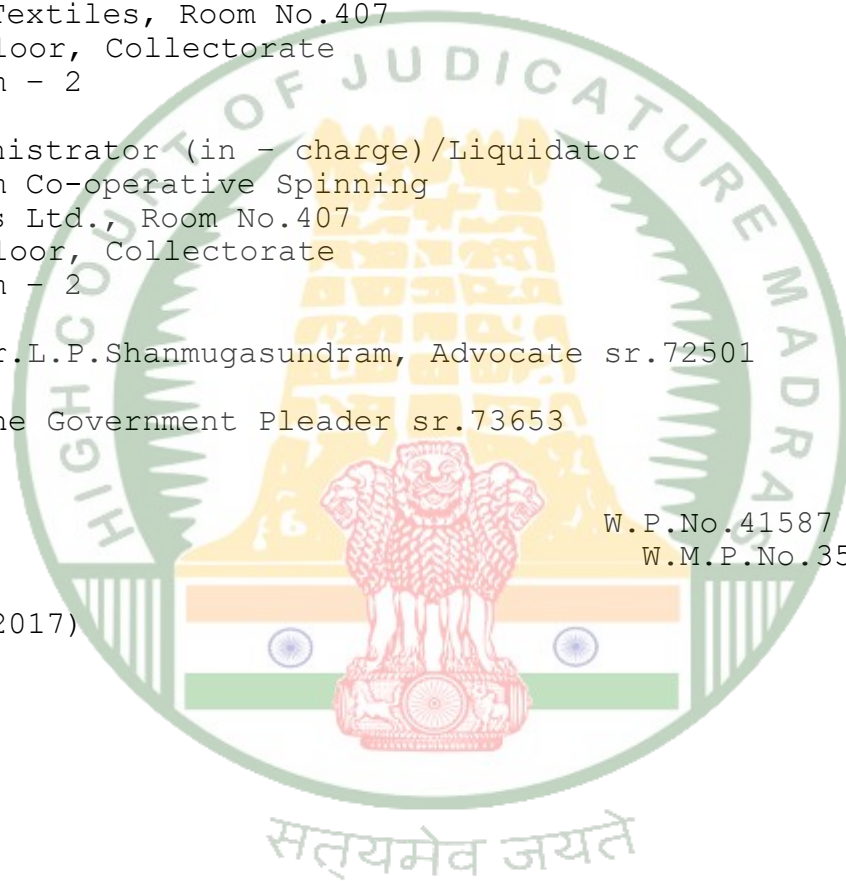
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To

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Mills Ltd., Room No.407
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Salem - 2
- +1cc to Mr.L.P.Shanmugasundram, Advocate sr.72501
- +1cc to The Government Pleader sr.73653

ca(co)
ss(20/01/2017)

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