

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.4.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.837, 838, 840, 843 and 865 of 2015

K.Muniyandi ... Appellant in WA No.837/2015
R.Kuppan ... Appellant in WA No.838/2015
D.Logu ... Appellant in WA No.840/2015
A.Varadhan ... Appellant in WA No.843/2015
R.Elumalai ... Appellant in WA No.865/2015

Versus

1. The Management,
Veeraraghava Textiles (Private) Ltd.,
rep. by its Proprietor Mr.Azhagappa Chetty,
Chengalpet Road,
Uthiramerur, Kancheerpum.
... Respondents in all the WAs.
2. The Presiding Officer,
II Additional Labour Court,
Chennai.

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the orders dated 22.1.2015 passed in W.P.Nos.17874, 17873, 17872, 17875 and 17870 of 2014 respectively, on the file of this court.

W.P.No.17874 of 2014:Writ Petition is filed Under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to or any other appropriate Writ or order or direction in the nature of Writ calling for the records from the 2nd respondent relating to the award dated 9.1.2014 passed in

(i)C.P.No.42/2007 and quash the award and to direct the 1st respondent to pay a sum of Rs.2,50,110/- (Rupees two lakhs fifty

thousand one hundred and ten only) as arrears of salary as claimed in C.P.No.42/2007.(W.A. 837 of 2015)

(ii)C.P.No.39/2007 and quash the award and to direct the 1st respondent to pay a sum of Rs.2,50,660/- (Rupees two lakhs fifty thousand six hundred and sixty only) in C.P.No.39/2007 (W.A.Nos.838 of 2015)

(iii) C.P.No.43/2007 and quash the award and to direct the 1st respondent to pay a sum of Rs.2,36,110/- (Rupees two lakhs thirty six thousand one hundred and ten only) as arrears of salary as claimed in C.P.No.43/2007 to the Petitioner (W.A.840/2015)

(iv) C.P.No.38/2007 and quash the award and to direct the 1st respondent to pay a sum of Rs.2,78,760/- (Rupees two lakhs seventy eight thousand seven hundred and sixty only) as arrears of salary as claimed in C.P.No.38/2007 to the petitioner (W.A.No.843/2015)

(v) C.P.No.1271/2007 and quash the award and to direct the 1st respondent to pay a sum of Rs.3,25,376/- (Rupees three lakhs twenty five thousand three hundred and seventy six only) as arrears of salary as claimed in C.P.No.1271/2007 to the petitioner (W.A.No.865/2015)

For appellants : Mr.I.Rathinavel

For R1 : Mr.A.S.Thambuswamy,

COMMON JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. These petitioners/appellants claim that they have been working in the first respondent Company since 1990 till year 2000 peacefully and the said Company seems to have been closed in January 2001, due to some management problem. Alleging that salary has not been disbursed to them, the petitioners appear to have made representations. In this regard, it is stated that enquiry was held before the Labour Court which dismissed the claim of the petitioner holding that the petitioners have not proved that they were working under the Company from the year 2001 to 2006. Having not satisfied with the findings of the

Labour Court, the writ petitions had been filed by the petitioners/appellants which also came to be dismissed as against which the petitioners, filed the present appeals raising a different ground that when the Company was closed without prior permission from the Government was not obtained as contemplated under section 25(o) of the Industrial Disputes Act, it is for the management to pay salary, etc.

3. The petitioners shown to have initiated the litigation on a different ground before the Labour Court as well as before the learned Single Judge, but, now, invoking section 25(o) of the Industrial Disputes Act, the present writ appeals have been filed which does not relate to the plea raised by the petitioners. The learned Single Judge, having examined the matter in detail, passed the order, holding that there is no material evidence produced by the petitioners/appellants to prove their claim against the respondent-Company and accordingly rejected the claim of the petitioners/appellants.

4. On a different ground, which was not urged before the Labour Court or the learned Single Judge, viz., no prior permission was sought from the Government with regard to closure of the Company, the petitioners/appellants have filed the present appeals. In such view of the matter, the writ appeals are dismissed at the admission stage itself. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Presiding Officer,
II Additional Labour Court, Chennai.

+1cc to Mr.A.S.Thambuswamy, Advocate Sr.20886
+5cc to Mr.T.P.Sekar, Advocate Sr.20887 to 20891

W.A.Nos.837, 838, 840,
843 and 865 of 2015

rsi[co]
srg 11/05/2017