

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4919 of 2018

The Management
Tamil Nadu Industrial Explosives Pvt.Ltd.,
rep.by its General Manager I/c
TEL Post
Vellore 632 059
Vellore District ... Petitioner

-vs-

1. R.Vivekanandan
2. S.Nagarajan
3. B.Elumalai
4. M.Chandrasekaran
5. M.Mohan
6. D.Balaji
7. R.Vilvanathan
8. S.Nedumaran
9. N.Udayakumar
- 10.I.Syed Mustafa
- 11.V.R.Kabilan
- 12.G.Ramaswamy

- 13.The Principal Labour Court
rep.by its Presiding Officer
Vellore .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records pertaining to the comon order dated 22.10.2009 passed in C.P.Nos.133, 134, 135, 136 and 142 of 2008 in respect of the respondents 1 to 12 by the 13th respondent and quash the same.

For Petitioner :: Mr.K.V.Subramanian
Senior Counsel for
M/s K.V.Subramanian Associate

ORDER

This writ petition is directed against the oldest order dated 22.10.2009 passed in C.P.Nos.133, 134, 135, 136 and 142 of

2008 in respect of the respondents 1 to 12 by the Principal Labour Court, Vellore and to quash the same.

2. Learned senior counsel for the petitioner submitted that when the respondents 1 to 12 were working in the petitioner Industry for a long time, due to economic recession, the petitioner Industry was not doing well. At one point of time, after finding it very difficult to prolong with the sickness with which the petitioner Industry was facing, all the workmen came forward to leave the industry under the Voluntary Retirement Scheme. Accepting the request of VRS given by the workmen, they were all relieved and the benefits were also extended under the VRS. Moreover, when the dearness allowance agreed were also paid and all the benefits under the VRS were also accepted by the respondents 1 to 12 in full and final satisfaction, it is not open to them to file the execution petitions after a period of nine years, that too, after accepting the VRS benefits, knowing fully well that the petitioner Industry had been closed.

3. Admittedly, when the execution petitions are pending for consideration, the petitioner cannot come to this Court challenging the order dated 22.10.2009 passed in C.P.Nos.133, 134, 135, 136 and 142 of 2008 by the Principal Labour Court, Vellore. In view of the long lapse of time, the petitioner is to be held guilty of laches. Accordingly, the writ petition is dismissed on the ground of laches. Consequently, W.M.P.No.6066 of 2018 is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss

To

1.The Presiding Officer
Principal Labour Court
Vellore.

+lcc to Mr.K.V.Subramanian, Advocate, S.R.No.17094

W.P.No.4919 of 2018

LRS (CO)
RRK (27/03/2018)