

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT APPEAL NOS.1339 TO 1343 OF 2010

& M.P.NOS.1 & 2 OF 2010

1.The Secretary to Government,
Small Industries Department,
Fort Saint George,
Chennai 600 009.

2.The Managing Director,
TANSI,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

... Appellants
in W.A.No.1339 of 2010

..Vs..

1.The Presiding Officer,
I Additional Labour Court,
Chennai 600 104.

2.S.V.Ezhumalai
3.M.Arumugam
4.P.Murugesan
5.Dhanalakshmi

6.Elangovan

7.Vinayagamurthy

8.Mythili

9.Palani

10.Senguttuvan

... Respondents
in W.A.No.1339 of 2010

(R5 to 10 legal heirs of late
N.Govindaswamy)

Prayer in W.A.No.1339 of 2010

Writ Appeal filed under Clause 15 of Letters Patent Appeal against the order dated 05.03.2010 made in W.P.No.4575 of 2010.

(In All W.A.Appeals)

For Appellants : Mr.B.Manoharan,
Additional Government Pleader

For Respondents: Court for R 1
Mr.R.Lawrence for R 2 to R 4
No Appearance for Others

1.The Secretary to Government,
Small Industries Department,
Fort Saint George,
Chennai 600 009.

2.The Managing Director,
TANSI,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

... Appellants
in W.A.No.1340 of 2010

.. Vs ..

1.The Presiding Officer,
I Additional Labour Court,
Chennai 600 104.

2.C.Purushothaman

... Respondents
in W.A.No.1340 of 2010

Prayer in W.A.No.1340 of 2010:-

Writ Appeal filed under Clause 15 of Letters Patent Appeal against the order dated 05.03.2010 made in W.P.No.4577 of 2010.

1.The Secretary to Government,
Small Industries Department,
Fort Saint George,
Chennai 600 009.

2.The Managing Director,
TANSI,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

... Appellants
in W.A.No.1341 of 2010

.. Vs..

1.The Presiding Officer,
I Additional Labour Court,
Chennai 600 104.

2.T.Kuppusamy

... Respondents
in W.A.No.1341 of 2010

Prayer in W.A.No.1341 of 2010

Writ Appeal filed under Clause 15 of Letters Patent Appeal
against the order dated 05.03.2010 made in W.P.No.4578 of 2010.

1.The Secretary to Government,
Small Industries Department,
Fort Saint George,
Chennai 600 009.

2.The Managing Director,
TANSI,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

... Appellants
in W.A.No.1342 of 2010

.. Vs..

1.The Presiding Officer,
I Additional Labour Court,
Chennai 600 104.

2.E.Jeganathan

... Respondents
in W.A.No.1342 of 2010

Prayer in W.A.No.1342 of 2010

Writ Appeal filed under Clause 15 of Letters Patent Appeal
against the order dated 05.03.2010 made in W.P.No.4579 of 2010.

1.The Secretary to Government,
Small Industries Department,
Fort Saint George,
Chennai 600 009.

2.The Managing Director,
TANSI,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

... Appellants
in W.A.No.1343 of 2010

.. Vs..

1.The Presiding Officer,
I Additional Labour Court,
Chennai 600 104.

2.M.Kanniappan

... Respondents
in W.A.No.1343 of 2010

Prayer in W.A.No.1343 of 2010

Writ Appeal filed under Clause 15 of Letters Patent Appeal
against the order dated 05.03.2010 made in W.P.No.4580 of 2010.

Prayers in W.P.No.4575 of 2010, W.P.No.4577, 4578 of 2010
and W.P.No.4580 of 2010:-

Writ of Certiorari calling for the records of the presiding
officer, I Additional Court, Chennai the 1st Respondent passed
in so far as C.P.Nos.408/1998, 220/2000, 230/2000, 231/2000,
319/2000, respectively, dated 18.11.2004 and quash the same.

सत्यमेव जयते

COMMON JUDGMENT

(Judgment of the Court was delivered by N.ANAND VENKATESH., J.)

These batch of Writ Appeals have been filed against the
common judgment passed in a batch of Writ Petitions, dated
05.03.2010. The common case of all the writ petitioners is that
they were the employees under various Industrial Units
established by TANSI and they filed a claim petition seeking for
pension before the Labour Court. The common ground that was
taken by all the writ petitioners before the Labour Court was
that they have put in more 10 years of service in Government

Department and that they are entitled for minimum pension. The Labour Court on considering the materials placed before it, was pleased to pass a common order on 18.11.2004 to the effect that the writ petitioners are eligible for pension. The Labour Court relied upon the earlier order passed by this Court in W.P.Nos.1917 and 1928 of 1980 wherein this Court had set aside the Government Order issued in G.O.M.S.No.284, dated 31.03.1980 which denied pension for persons falling within the category of the writ petitioners.

2. Even though this order of the Labour Court was passed in the year 2004, the same came to be challenged by the Government by filing the present batch of writ petitions in the year 2010. In other words, the writ petitions itself was filed with an enormous delay of six years. The learned Single Judge has considered in detail whether there was any justification on the part of the Government to have filed the writ petitions with such an enormous delay. The learned Single Judge specifically found that there was no acceptable reason for such an enormous delay and the learned Single Judge has also taken into consideration Rule 54 (2) and 54 (3) of the Industrial Disputes Rules and specifically gave a finding that it is unbelievable that the Government is unaware of the orders of the Labour Court.

3. The learned counsel for the appellants would reiterate the same grounds taken in the batch of writ petitions and would vehemently contend that writ petitioners are not Government servants and they have no right to claim pension.

4. We have considered the materials placed before us and also the order passed by the learned Single Judge. We are convinced about the fact that there is absolutely no justifiable reasons for the Government to have approach this Court by filing the batch of writ petitions with an enormous delay of six years. These writ petitions had been rightly dismissed on the ground of laches. We do not find any ground to interfere with the order of the learned Single Judge and we confirm the order of the learned Single Judge. In view of the above reasons these Writ Appeals stands dismissed. There shall be no order as to costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

KP

To

The Presiding Officer,
I Additional Labour Court,
Chennai 600 104.

W.A.Nos.1339 to 1343 of 2010

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