

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2018

CORAM

THE HONOURABLE MRS. V. BHAVANI SUBBAROYAN

WP.No.1334 of 2008 and

Management of B & C Mills,
Represented by its Company Secretary,

... Petitioner

Vs.

1. B & C Mills Labour Union,
No.176, Strahans Road,
Chennai - 600 012.

2. B & C Mills Staff Union,
No.80, Krishnadoss Road,
Chennai - 600 012.

3. The Presiding Officer,
The Industrial Tribunal,
Tamil Nadu,
Chennai - 600 104.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in proceedings in I.D.No.59 of 2004 on the file of the Industrial Tribunal, the 3rd respondent herein and to quash the said award passed by the Tribunal dated 13.09.2007.

For Petitioner : Mr.S. Ramasubramaniam
for M/s. Ramasubramaniam Associates

For Respondents 1&2 : M/s.Row & Reddy

ORDER

The petitioner is a Management. The petitioner/Management was running a Mill at Perambur in Chennai. Due to flood, the Mill was closed from June 1996. Thereafter, the operation of the Mill could not be revived/reopened leading to the disputes raised by the workmen. The disputes were referred to the Conciliation on 16.07.1996. Since the conciliation proceedings ended in a failure report, the petitioner raised an Industrial Dispute under Section 2 (A) of the Industrial Disputes Act, 1947 (hereinafter referred to as

the ID 'Act') which was taken on its file in I.D.No.59 of 2004, wherein, a settlement was arrived at under Section 12 (3) of the Industrial Disputes Act, 1947 (hereinafter, referred to I.D. Act) between the petitioner/Management and the workmen represented by the respondent/Union.

2. It appears that the petitioner/Management has filed an Application in A. No.13 of 2008, challenging the award passed by the Labour Court in I.D.No.59 of 2004, dated 13.09.2007 suspending the claim of the Labour Union as well as Staff Union and ordered for payment of the wages for the period from 01.03.1997 to 06.07.1997, as the Mill was functioning at the relevant point of time.

3. It could be seen from the materials placed that the award of the Tribunal, dated 13.09.2007 was challenged by the Management on the ground that the settlement has been reached under Section 12(3) of I.D. Act dated 23.08.1998 covered the claims of the workmen also and therefore, the workmen, who worked during the said period were not entitled to claim wages. The settlement, dated 23.09.1998 covers the claims of about 4361 workers were settled, out of which, about 3914 workmen accepted voluntary retirement proposal and received the payments in two instalments; 25 workmen had passed away, 383 workmen retired from service; 5 workmen voluntarily abandoned their employment; and now there are only 34 persons in the service of the Petitioner/Management. During the period from 1.03.1997 to 06.07.1997, when the Management was opened on trial basis, 1500 workers were engaged and they are not entitled to claim wages, in view of the above settlement under which, they abandoned their claim for wages by accepting 1.25 lakh as compensation as per the voluntary retirement scheme. Therefore, the Petitioner/Management was directed to pay 50% of the wages payable to the workmen, who actually worked from on 01.03.1997 to 06.07.1997 within a period of four weeks. This order passed by this Court in the Miscellaneous Petitions in M.P.Nos.1 and 2 of 2008, in W.P.No.1334 of 2008, was challenged by the Management in Writ Appeal No.408 of 2008. The Hon'ble First Bench after hearing the arguments has dismissed the appeal stating that no ground was made by the Management to interfere with the order of the learned Single Judge. Aggrieved by the said order of the Hon'ble First Bench, the Management filed a Special Leave Petition NO.15016 of 2008 before the Hon'ble Supreme Court, wherein, since it is stated by the learned counsel for the petitioner/Management that at the intervention of the counsel and other officials, the dispute has been sorted out and therefore, petition was not pressed.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner/Management has brought to the notice of this Court that, in view of the

aforesaid order passed by the Hon'ble Supreme Court, in Special Leave Petition NO.15016 of 2008, dated 10.07.2008, nothing survives in this writ petition for adjudication.

5. Thus, in view of the settlement arrived at between the parties, as stated supra, the Writ Petition has become infructuous. Accordingly, the writ petition is dismissed as infructuous. No costs.

s/d-
Assistant Registrar(CO)

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Sub-Assistant Registrar

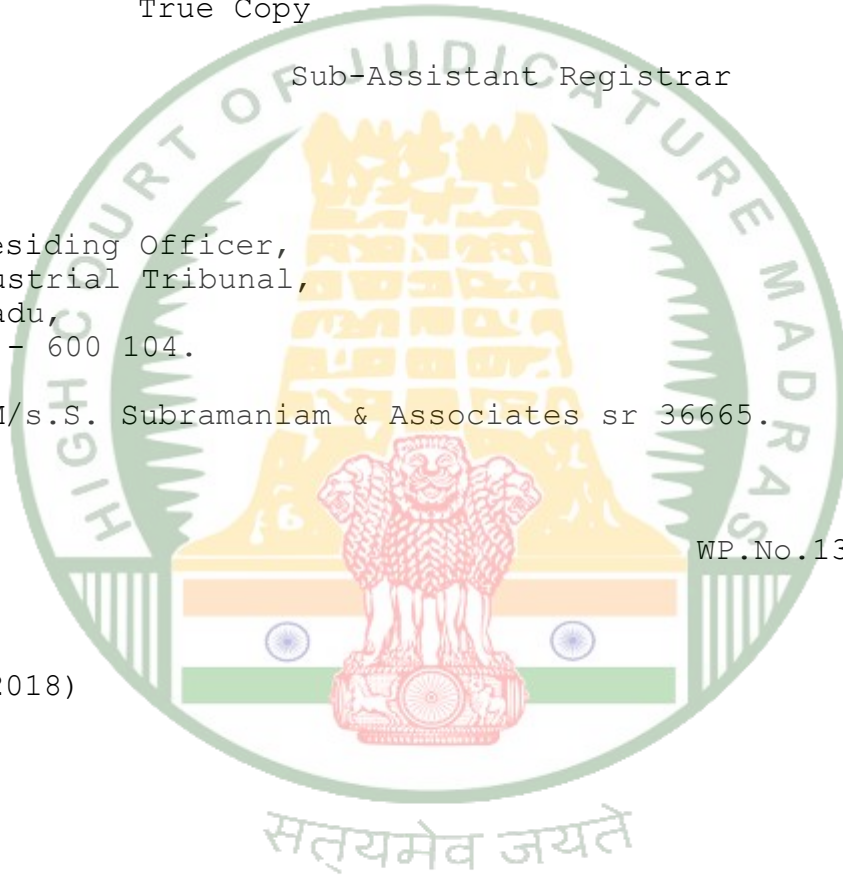
To

1. The Presiding Officer,
The Industrial Tribunal,
Tamil Nadu,
Chennai - 600 104.

+1 CC to M/s.S. Subramaniam & Associates sr 36665.

WP.No.1334 of 2008

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SP(20/07/2018)



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