



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) Nos.14790 & 14791 of 2017

and

WMP (MD) Nos.11628 & 11629 of 2017

The Management,
M/s.Sri Lakshmi Spinners (P) Ltd.,
No.1/352, Madurai Road,
Virudhunagar.

... Petitioner in both cases

Vs.

1.Solaiappan (died),
2.Palaniammal
3.Rajalakshmi
4.Sivaperumal

(R2 to R4 brought on record as
Lrs of the deceased sole respondent
vide Court order dated 15.02.2018
in WP (MD) No.14790 of 2017)

... Respondents in
WP (MD) No.14790 of 2017

M.Sankarapandi

... Respondent in
WP (MD) No.14791 of 2017

Common Prayer : Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned orders passed by the Labour Court, Madurai in Claim Petition Nos.17 and 18 of 2013 dated 09.12.2016 and quash the same.

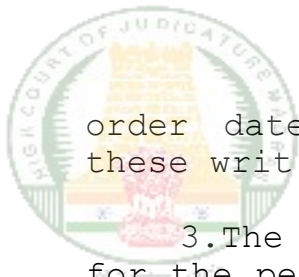
For Petitioner : Mr.R.Subramanian
in both cases

For Respondents
in both cases : Mr.I.Sudhakaran

COMMON ORDER

The challenge in these writ petitions is to the orders passed by the Labour Court in petitions filed under Section 33(C)2 of the Industrial Disputes Act, 1947 at the instance of the workmen.

2.It is not in dispute that the respective respondents herein were workmen in Sri Lakshmi Spinners (P) Ltd. They were dismissed from service. They filed I.d.Nos.83 and 85 of 1994 before the Labour Court, Madurai. The Labour Court, Madurai by order dated 10.01.2008, directed that they have to be reinstated in service but without backwages. This award of the Labour Court was questioned by filing a writ petition. The awards had become final. But, the awards were not obeyed. There was no reinstatement. Therefore, the respondents in these writ petitions filed Claim Petitions Nos.17 and 18 of 2013 before the Labour Court, Madurai. The Labour Court by



order dated 09.12.2016 allowed the C.P's. Questioning the same, these writ petitions have been filed.

3.The Primary contention urged by the learned counsel appearing for the petitioner is that there was change in management. He also would point out that the present management had entered into a memorandum of understanding with the erstwhile management. As per the terms of the said MoU, the claims of the respondents has to be answered only by the erstwhile management. He also pointed out that the Unit was not being run from the year 2011 and that therefore, the Labour Court erred in computing the wages payable to them in 2013.

4.None of these contentions are having any merit. As per Section 18(3)(C) of the Industrial Disputes Act, 1947, the Labour Court award would be binding on the successor as well as assigns. Therefore, the new management cannot be heard to say that they were not bound by the awards passed in favour of the respondents. Likewise, the MoU entered into between the management and the present management cannot have any effect on the rights of the workmen.

5.The new management that had taken over the establishment in question, ought to have taken cognizance of the awards passed by the Labor Court in I.D.Nos.83 and 85 of 1994 and taken appropriate action in accordance with law. Having kept quite at the relevant time, now it cannot be heard to say that they are not bound by the Labour Court Award. Therefore, the consequences are bound to follow. The Labour Court rightly allowed the claim proceedings filed by the respondents/workmen. No interference is called for. There is absolutely no merit in these writ petitions.

6.The writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To
The Labour Court,
Madurai.

+2CC to Mr.R.Subramanian, Advocate, SR.No. 51902

+2CC to Mr.I.Sudhakaran, Advocate, SR.Nos. 52146, 52147

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