



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.03.2018**

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P. (MD)Nos.7957 to 7959 of 2017
and
W.M.P. (MD)Nos.6164 to 6166 of 2017**

1. The Management,
Ragavendra Spinners Ltd.,
24/3, Anna Nagar,, Suthamalli,
Pettai, Thirunelveli.
2. The Management,
Sri Abirami Spintex Private Ltd.,
24/3, Anna Nagar, Suthmalli,
Pettai, Tirunelveli District- 627 604.
... Petitioners in all writ petitions

-Vs-

1. The Presiding Officer,
Labour Court, Thirunelveli.
2. S.Arumuga Nainar ...Respondents in W.P.(MD)No.7957 of 2017
1. The Presiding Officer,
Labour Court, Thirunelveli.
2. N.Komban ...Respondents in W.P.(MD)No.7958 of 2017
1. The Presiding Officer,
Labour Court, Thirunelveli.
- 2.S.Muthukrishnan ...Respondents in W.P.(MD)No.7959 of 2017

COMMON PRAYER:Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the 1st respondent relating to I.A.Nos.455, 456, 453, 454, 451 and 452 of 2016, respectively in C.P.Nos.4, 3, and 2 of 2016, respectively and quash the order dated 18.11.2016 passed therein.

For Petitioner	: Mr.S.Seenivasagam
For R1	: Labour Court
For R2	: Mr.M.Jerin Mathew
	for Mr.M.E.Ilango
	(In all petitions)

**COMMON ORDER**

In all these writ petitions the workmen figuring as second respondent complaining of non-employment raised industrial disputes.

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2.The labour court passed awards in favour of the second respondents herein. The same was questioned by the management in W.P.(MD)Nos.6613, 6614 and 6611 of 2009, respectively. By an order dated 25.06.2015 in M.P.(MD)Nos.1, 1 and 2 of 2011, this Court held that the workmen have complied with the mandatory requirements set out under Section 17(B) of the Industrial Disputes Act, 1947, and the management was directed to pay the workmen the last drawn wages under Section 17 (B) of the Act from the date of award till the disposal of the writ petitions or till the date of their superannuation whichever is earlier. It was also made clear that the arrears of 17(B) wages shall be paid within two months from the date of receipt of a copy of that order.

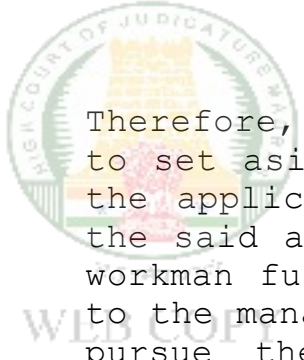
3.The said order dated 25.06.2015 has been questioned in Writ Appeal by the management. It appears that there was some delay in lodging the Writ Appeal. Till date there is no stay or setting aside of the order dated 25.06.2015 passed by this Court in M.P.(MD)Nos.1, 1 and 2 of 2011. Since the direction given by this Court was not complied with, the workman filed claim petitions under Sections 33 (C) (2) of the Industrial Disputes Act on the file of the District Labour Court, Tirunelveli.

4.The Management was given notice in the said claim petitions. The management entered appearance in the claim petitions contending. Since the writ appeals are pending with condone delay petitions, the claim of the writ petitioners may not be granted. But the labour Court by order dated 13.06.2016 allowed the claim petitions. Thereafter, the management filed Interlocutory Applications for setting aside the said ex-parte order and the same was disposed by an order dated 18.11.2016. The Same are questioned in these Writ petitions.

5.Heard the learned counsel on either side.

6. It is seen from the records that this Court sustained the claim of the workman under Section 17 (B) of the Industrial Disputes Act. Specific directions were issued to the management to pay the arrears of the last drawn wages. In fact it was a time bound direction. It is not in dispute that till date the said order has not been stayed or set aside.

<https://hcservices.ecourts.gov.in/hcservices/> 7. In these circumstances, the labour Court was bound to give effect to the said order and the labour Court by allowing the Claim Petitions complied the order passed by this Court.



Therefore, the question of treating as ex-parte order and seeking to set aside the same will not arise at all. Rightly or wrongly the applications were filed. The Labour Court rightly dismissed the said applications. The management could not have dragged the workman further by filing these writ petitions. Only remedy open to the management is before the Hon'ble Division Bench. It should pursue the Writ Appeals against the order dated 25.06.2015. Instead the management has chosen to engage the workman in a fresh round of writ petitions. It is sheer abuse of legal process.

8. Accordingly, these Petitions are dismissed with cost of Rs.1,000/- (Rupees One Thousand Only), each payable to the Chief Minister Relief Fund. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Presiding Officer,
Labour Court, Thirunelveli.

2. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+ 3 ccs TO Mr.S.Sreenivasagam , Advocate in SR No. 54710,54711,
54712

+ 1 cc TO Mr.M.E.Ilango , Advocate in SR No. 54889

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AE/SKN RSK/SAR1/04.07.2018/3P/7C

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