



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 19.03.2018  
CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD) Nos.18819 to 18823 of 2016,  
19338 to 19340 of 2016

and

W.M.P(MD)Nos.13600 to 13604 of 2016  
& 13944 to 13946 of 2016

|                        |                                         |
|------------------------|-----------------------------------------|
| 1.S.Stephan            | ...Petitioner in WP(MD)No.18819 of 2016 |
| 2.N.MuthuPandi         | ...Petitioner in WP(MD)No.18820 of 2016 |
| 3.J.SaravanaMuthupandi | ...Petitioner in WP(MD)No.18821 of 2016 |
| 4.P.Selvaraj           | ...Petitioner in WP(MD)No.18822 of 2016 |
| 5.T.P.Subramani        | ...Petitioner in WP(MD)No.18823 of 2016 |
| 6.P.Rengasamy          | ...Petitioner in WP(MD)No.19338 of 2016 |
| 7.S.Ramasamy           | ...Petitioner in WP(MD)No.19339 of 2016 |
| 8.V.S. Gunasekaran     | ...Petitioner in WP(MD)No.19340 of 2016 |

Vs.

|                                                                                                                         |                           |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1. The Presiding Officer,<br>Labour Court,<br>Tiruchirappalli,<br>Camp at Dindigul.                                     |                           |
| 2. The Management,<br>M/s Sri Raja Rajeswari Spinning Mills,<br>Nagampatti,<br>Vedachandur Taluk,<br>Dindigul District. | ...Respondents in all WPs |

**PRAYER:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned award passed by the first respondent in I.D.No.30 of 2003, I.D.No.22 of 2003, ID.No.29 of 2003, I.D.No.23 of 2003, I.D.No.27 of 2003, I.D.No.28 of 2003, I.D.No.26 of 2003 and I.D.No.24 of 2003 respectively dated 06.05.2016 and quash the same as illegal and consequently direct the second respondent to reinstatement the petitioner in service, with continuity of service, with back wages and with all other attendant benefits.

|                           |                                                    |
|---------------------------|----------------------------------------------------|
| For Petitioner<br>in WPs  | : Mr.M.Kannan                                      |
| For Respondents<br>in WPs | : Mr.P.Balasubramanian for R2<br>R1 - Labour Court |

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**COMMON ORDER**

The petitioners in these writ petitions were employed in the second respondent Mill. Complaining that they were illegally terminated, they raised Industrial Dispute before the Labour Court, Trichy camp at Dindigul. During the pendency of the proceedings, on advice from the Labour Court to amicably resolve the matter, the Management was asked to provide re-employment. It appears that during the period of re-employment, the writ petitioners were not happy with the stand of the Management regarding payment of wages and other working conditions. This was construed by the Labour Court as an act of unwillingness on the part of the workmen. The finding of the Labour Court could as well be justified. But then, the result cannot be dismissal of the I.D on that ground. The Labour Court was required to give a finding as to the legality or otherwise of the orders of termination, that will have to be tested based on the materials available before the Labour Court. The fact that the writ petitioners did not evince sufficient interest during the period of re-employment is an irrelevant ground for deciding the I.D. Inasmuch as the Labour Court totally misdirected itself in law, the awards impugned in these writ petitions are quashed. The matter is remitted to the file of the first respondent/Labour Court, Tiruchirappalli. The first respondent shall hear the arguments on the side of the workmen as well as the Management and thereafter, pass fresh awards in accordance with law. The same shall be done within a period of three months from the date of receipt of a copy of this order.

2. With these directions, the writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To  
The Presiding Officer,  
Labour Court,  
Tiruchirappalli,  
Camp at Dindigul.

+8cc to Mr.M.Kannan, Advocate Sr.No.56580,58581

+1cc to Mr.P.Balasubramanian, Advocate Sr.No.56743

SKN

VB/KKR/SAR1/04.06.2018/2P/11C

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