

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.24691 to 24705 of 2007
& connected M.P.Nos. 1 of 2007

THE MANAGEMENT OF
M/S.ESSAR MACHINE WORKS LTD.,
REP. BY ITS
MANAGING DIRECTOR,
MR.SURESH VEERASWAMI,
NO.155, INDUSTRIAL ESTATE,
PERUNGUDI, CHENNAI - 600 096.

...PETITIONER IN ALL W.PS

VS.

1.THE PRESIDING OFFICER,
PRINCIPAL LABOUR COURT,
CHENNAI - 600 009.

...1ST RESPONDENT IN ALL W.PS

S.SHANMUGAM

...2ND RESPONDENT IN W.P.NO.24691/2007

LALITHA

...2ND RESPONDENT IN W.P.NO.24692/2007

GUNASEKARAN

...2ND RESPONDENT IN W.P.NO.24693/2007

E.SRINIVASAN

...2ND RESPONDENT IN W.P.NO.24694/2007

A.JAYASEELAN

...2ND RESPONDENT IN W.P.NO.24695/2007

V.SRINIVASAN

...2ND RESPONDENT IN W.P.NO.24696/2007

U.SARAVANAKUMAR

...2ND RESPONDENT IN W.P.NO.24697/2007

V.PARTHIBAN

...2ND RESPONDENT IN W.P.NO.24698/2007

T.PITCHAIMONY

...2ND RESPONDENT IN W.P.NO.24699/2007

P.RAMAMIRTHAM

...2ND RESPONDENT IN W.P.NO.24700/2007

M.MURALI

...2ND RESPONDENT IN W.P.NO.24701/2007

B.RAMESH

...2ND RESPONDENT IN W.P.NO.24702/2007

N.PANCHATCHARAM

...2ND RESPONDENT IN W.P.NO.24703/2007

N.ELUMALAI

...2ND RESPONDENT IN W.P.NO.24704/2007

S.THANGAM

...2ND RESPONDENT IN W.P.NO.24705/2007

These Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus,

Prayer in W.P.No.24691/2007:

To call for the entire records in I.D.No.129 of 2000 in which exparte order dated 21.03.2001 is passed by the first respondent herein and quash the exparte order dated 20.08.2001 and thereby allow the I.A.No.301 of 2001 in I.D.No.129 of 2000 and consequently pass orders to direct the first respondent to decide the I.D.No.129 of 2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral.

WP No.24692 of 2007

To call for the entire records in I.D.No.137 of 2000 in which exparte order dt 21.03.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.309/2001 in I.D.No.137 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.137/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24693 of 2007

To call for the entire records in I.D.No.139 of 2000 in which exparte order dt 21.03.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.311/2001 in I.D.No.139 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.136/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24694 of 2007

To call for the entire records in I.D.No.142 of 2000 in which exparte order dt 20.8.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.314/2001 in I.D.No.142 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.142/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24695 of 2007

To call for the entire records in I.D.No.141 of 2000 in which exparte order dt 20.8.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.313/2001 in I.D.No.141 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.141/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24696 of 2007

To call for the entire records in I.D.No.135 of 2000 in which exparte order dt 20.08.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.307/2001 in I.D.No.135 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.135/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24697 of 2007

To call for the entire records in I.D.No.132 of 2000 in which exparte order dt 21.03.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.304/2001 in I.D.No.132 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.132/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24698 of 2007

To call for the entire records in I.D.No.134 of 2000 in which exparte order dt 20.8.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.306/2001 in I.D.No.134 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.134/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24699 of 2007

To call for the entire records in I.D.No.138 of 2000 in which exparte order dt 20.08.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.310/2001 in I.D.No.138 of 2000 and consequently pass orders to direct the Ist respondent to decide the ID.No.138/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24700 of 2007

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mnadamus, To call for the entire records in I.D.No.133/2000 in which exparte

order dt 20.08.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 is passed by the first Respondent herein and quash the exparte order dated 20.08.2001 and thereby allow the I.A.No.305/2001 in I.D.No.133/2000 and consequently pass orders to direct the first Respondent to decide the I.D.No.133/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral.

WP No.24701 of 2007

To call for the entire records in I.D.No.131/2000 in which exparte order dt 21.3.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.303/2001 in I.D.No.131/2000 and consequently pass orders to direct the Ist respondent to decide the I.D.No.131/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24702 of 2007

To call for the entire records in I.D.No.130/2000 in which exparte order dt 21.3.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.302/2001 in I.D.No.130/2000 and consequently pass orders to direct the Ist respondent to decide the I.D.No.130/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24703 of 2007

To call for the entire records in I.D.No.143/2000 in which exparte order dt 21.3.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.315/2001 in I.D.No.143/2000 and consequently pass orders to direct the Ist respondent to decide the I.D.No.143/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24704 of 2007

To call for the entire records in I.D.No.136/2000 in which exparte order dt 21.3.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.308/2001 in I.D.No.136/2000 and consequently pass orders to direct the Ist respondent to decide the I.D.No.136/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

WP No.24705 of 2007

To call for the entire records in I.D.No.140/2000 in which exparte order dt 21.3.2001 is passed by the Ist respondent herein and quash the exparte order dt 20.8.2001 and thereby allow the I.A.No.312/2001 in I.D.No.140/2000 and consequently pass orders to direct the Ist respondent to decide the

I.D.No.140/2000 on merits after affording opportunity to both the parties to lead evidence, both documentary and oral

For Petitioner : Mr.John Zachariah
for Fox Mandal & Associates.
(in all W.Ps)

For Respondents : Labour Court
for respondent No.1
No appearance
(for 2nd respondent)
(in all W.Ps)

COMMON ORDER

These writ petitions are filed challenging the award dated 21.03.2001 in I.D.No.129 of 2000. The learned counsel appearing on behalf of the writ petitioner management made a submission that the company itself was closed on 07.11.2001.

2.The writ petitioner is M/s.Essar Machine Works Limited. The petitioner/company was incorporated in the year 1986 with the main objective of manufacturing textile machinery parts and safety critical sub assemblies for vehicle manufacturing. The learned counsel appearing on behalf of the petitioner made a submission that most of the employees settled their amount by mutual discussions and only 15 employees, mostly, Trainees and Apprentices raised Industrial Dispute and therefore, the petitioner/Company has taken a decision to complete the process of settling the employees. The factory was closed, proper notice was served on the petitioner and few workman raised Industrial Dispute claiming reinstatement with backwages.

3.The Labour Court awarded compensation in view of the fact that the Factory itself was closed. The compensation amount was awarded by the Labour Court in the year 2004. The Company was closed in the year 2000 and after passing of the award, the Government issued the recovery certificate in G.O.(D) No.919 dated 12.07.2005. Admittedly, the Company was closed in the year 2000 itself. Few employees raised industrial dispute which was allowed and the compensation was granted. Based on the award of the Labour Court, the Government also issued recovery certificate.

4.Under these circumstances, this Court is of an opinion that the petitioner/Company is bound to settle the amount awarded, as the award became final and the recovery certificate was also issued by the Government. The grounds raised in these

writ petitions deserves no merit consideration as the respondents/workmen in these writ petitions have not yet received the compensation awarded by the Labour Court. These being the facts and circumstances, the petitioner is directed to settle the dues as per the recovery certificate issued by the Government in G.O.(D) No.919 dated 12.07.2005.

5. It is brought to the notice of this Court that the petitioner/Company deposited an amount of Rs.25,00,000/- before the High Court. The petitioner is permitted to withdraw the said amount with accrued interest. The Registry, High Court is directed to disburse the deposited amount with accrued interest in favour of the writ petitioner within a period of four weeks from the date of receipt of copy of this Order. Thereafter, the writ petitioner is directed to settle the entire amounts in favour of the respondent/workmen within a period of eight weeks.

6. With the above directions, the writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

Pkn

To

1. The Presiding Officer,
Principal Labour Court,
Chennai - 600 009.

Copy to

1. The Registrar General
High Court, Madras 104.

2. The Sub Assistant Registrar
(Accounts) High Court
Madras 104.

3. The Section officer
VR Section
High Court, Madras 104.

+15 CCS to M/s. Fox Mandal Associates sr 100016 to 100030

W.P.Nos.24691 to 24705 of 2007

SSD(CO)
SP(22/05/2020)