

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.13488 to 13491, 14562 to 14565 of 2006

The Management of Sulochana  
Beverages Pvt., Ltd.,  
Rep.by its Director D.Chandrasekaran,  
No.65, Periyapalayam Road,  
Alinjiwakkam,  
Sohavaram Post,  
Chennai-600 067.

...Petitioner in all the  
Petitions

vs.

K.Babu

...1<sup>st</sup> Respondent in W.P.No.13488/2006

K. Ramamoorthy

...1<sup>st</sup> Respondent in W.P.No.13489/2006

K. Mani

...1<sup>st</sup> Respondent in W.P.No.13490/2006

G. Devaraj

...1<sup>st</sup> Respondent in W.P.No.13491/2006

K. Lakshmanan

...1<sup>st</sup> Respondent in W.P.No.14562/2006

M.Paneerselvam

...1<sup>st</sup> Respondent in W.P.No.14563/2006

E. Govinda Reddy

...1<sup>st</sup> Respondent in W.P.No.14564/2006

S.K.Basha (Deceased)

1.O. Shameem

2.Orupalli Shamshadi

3.Nazini

4.Orupalli Sardar (minors)

(Respondents 1 to 4 are the Lrs of S.K.Basha  
2 to 4 are the minors rep by their  
Mother O. Shameem)

..Respondents 1 to 4 in  
W.P.No.14565/2006

2.The Presiding Officer,  
II Additional Labour Court,  
Chennai.

...2<sup>nd</sup> Respondents in  
W.P.No.13488 to 13491, 14562 to 14564/2006  
and 5<sup>th</sup> Respondent in W.P.No.14565/2006.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for records relating to the order in I.D.No.621 of 1992, I.D. No. 622/1992, I.D. No. 630/1992, I.D. 625/1992, I.D.627/1992, I.D. 626/1992, I.D. 628/1992, I.D.624/1992 respectively dated 26.03.2001 passed by the second respondent herein and quash the same.

For Petitione : Non-appearance  
For Respondents : Mr.K.Elango for R1.  
R2-Labour Court

#### C O M M O N O R D E R

The common award dated 26.03.2001 passed in I.D.Nos.621, 622, 630, 624 to 628 of 1992, are under challenge in the present writ petitions.

2. The affidavits filed in support of the writ petitions states that the writ petitioners company commenced manufacturing operation in the year 1985. The petitioners company have got two plants namely Aerated Water Plant and Ready to serve Plant. Soft drinks under the brand names of Sprint, Rush, Thrill and Mc dowl soda are manufactured in the Aerated Water Plant and white fruit juices are manufactured under the brand names of Kissan Mango Time and Kissan grapes time are manufactured in the RTS Plant. From 1995 onwards, the company was under closure and there is no production activity. The petitioners had received a letter from the Government in G.O.(D).No.195 dated 15.02.2005, directing the District Collector to recover the amount in C.P.Nos.21 to 28 of 2003 dated 06.11.2003 and report the same. Knowing these facts, the petitioners approached the First Additional Labour Court, Chennai and on verification, it was found that the first respondent, while he was working under the Management of M/s.Ramarahava Reddy, had committed some serious misconduct and the erstwhile Management had taken disciplinary action and issued an order of termination. The writ petitioner/Management had purchased the company from the erstwhile Management of M/s.Ramarahava Reddy. Therefore, the present Management had no knowledge about the disciplinary action and the order of termination passed by the erstwhile Management. The petitioner further states that they have proceeded with the matter and the Labour Court passed an award

on 26.03.2001, granting the benefit of reinstatement with full backwages and continuity of service.

3. The petitioner states that they are in no way connected with the actions of the previous Management against the workmen and they had no knowledge about such actions. Under these circumstances, the petitioners are constrained to move the present writ petitions.

4. The learned counsel for the first respondent/workmen states that the workmen were illegally terminated and the Labour Court considered the materials available on record and ordered for reinstatement with back wages. It is contended that the Management has chosen to file a writ petition after a lapse of five years from the date of passing of the award, and the writ petition is liable to be rejected on the ground of laches.

5. The common award in the industrial dispute were passed on 26.03.2001, and the writ petitions were filed in the year 2006. After completion of period, these writ petitions cannot be entertained.

6. This Court is of the considered opinion that the said ground raised by the first respondent/workmen is to be considered, as the awards were passed in the year 2001 and the writ petitions were filed after a lapse of five years from the date of passing of the award. This being the factum, these writ petitions are liable to be rejected on the ground of laches.

7. Accordingly, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-  
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

ssb  
To

The Presiding Officer,  
II Additional Labour Court,  
Chennai.

+8 CCS to Mr.K.Elango, Advocate sr 86163, 86164, 86165, 86166, 86167, 86168, 86169, 86170.

W.P.Nos. 13488 to 13491, 14562 to 14565 of 2006

VGI (CO)  
SP(09/12/2019)