

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31128 to 31133 of 2003  
W.M.P.Nos.37893 to 37898 of 2003

The Management  
Hotel Windstor Castle,  
14, Rajaji Road,  
Salem-7.

... Petitioner in  
all WPs

Vs.

1. Labour Officer/Authorised Officer,  
Tamil Nadu Catering Establishments  
Act, 1958  
85, Sankar Nagar,  
Salem-7.

...1st respondent in all WPs

2. R.C.Selvan

... 2nd Respondents in  
WP.No.31128/2003

A.sethu

...2nd Respondent in  
WP.No.31129 of 2003

K.Senthil Kumar

...2nd Respondent in  
WP.No.31130 of 2003

D.Robert

...2nd Respondent in  
WP.No.31131 of 2003

T.Sivakumar

...2nd Respondent in  
WP.No.31132 of 2003

P.Gurumoorthy

...2nd Respondent in  
WP.No.31133 of 2003

COMMON PRAYER: These Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records on the file of the first respondent in connection with the order passed by him in his Order No.1299/02 1669/02, 1300/02,1301/02,1302/02 and 1670/02 respectively dated 15.09.2003 and quash the same and so far as petitioner is concerned.

For Petitioner : Mr.R.Singaravelan  
For Respondents : Mr.J.Ramesh  
Additional Government Pleader  
for R1.  
Mr.M.D.Nasurullah

O R D E R

When these writ petitions were taken up "for hearing" on 18.09.2019, this Court passed an order and the same is extracted hereunder:

The learned Senior counsel appearing on behalf of the writ petitioner state that the Management is ready and willing to provide work to the respondent workmen.

2. The learned Senior counsel solicited the attention of this Court that even during the pendency of the proceedings before the 1<sup>st</sup> respondent, the Management expressed their willingness to provide work to the respondent workmen.

3. The very contention of the petitioner is that they never refused to provide work and the respondent workmen at their own volition abandoned the work.

4. The learned counsel appearing on behalf of the respondent workmen also made a submission that the respondent workmen are willing to join duty.

5. When both the parties expressed their willingness to report for duty, this Court is of an opinion that the respondent workmen are at liberty to report for duty immediately and after joining duty, the other issues may be considered.

Post these writ petitions in next week.

2. Thereafter, these writ petitions are listed for further hearing today. The learned counsel for the writ petitioner/Management reiterated that they were ready and willing to reinstate the respondents/workmen.

3. The learned counsel for the respondents/workmen made a submission that they have informed the order dated 18.09.2019 passed by this Court to the workmen and they have shown no interest to join duty with the writ petitioner/Management. When the workmen have taken a decision not to work with the writ

petitioner/Management, this Court is of the opinion that no purpose would be served and this apart, the case of the writ petitioner/Management was that all along they were willing to reinstate these workmen and they have not terminated the services of the workmen.

4. This Court passed an order on 18.09.2019, that the workmen are at liberty to join duty with the writ petitioner/Management and now the submission is that the workmen are not interested in joining duty.

5. This being the factum, this Court is of the considered opinion that the findings of the Labour Court is untenable and the stand of the writ petitioner/Management is that they have not terminated workmen from service and at all times, they are ready and willing to reinstate the workmen.

6. Accordingly, the award dated 15.09.2003 passed in Order No.1299/2002 is quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb

To  
Labour Officer/Authorised Officer,  
Tamil Nadu Catering Establishments  
Act, 1958  
85, Sankar Nagar,  
Salem-7.

copy to  
The Government Advocate  
High Court Madras-104

aa15/11/2019

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