

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.34233 to 34247 of 2005
and

W.P.M.P.Nos.37132, 37134, 37136, 37138, 37140, 37142, 37144,
37146, 37148, 37150, 37152, 37154, 37156 of 2005, 4455 to 4478
of 2006, 327 to 341 of 2006

1 ESSAR MACHINE WORKS LIMITED
REP.BY ITS MANAGING DIRECTOR MR.SURESH
VEERASWAMI NO.155 INDUSTRIAL ESTATE
PERUNGUDI CHENNAI-600 096 ... PETITIONER IN ALL WPS

VS

1 THE SECRETARY ... RESPONDENT in WP No.34233 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 M.MURALI
NO.7 KAMBAR STREET KANDANCHAVADI CHENNAI-
600 096

1 THE SECRETARY ... RESPONDENT in WP No.34234 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

- 4 MR/A/JAYASEELAN
NO.24 LIND STREET SEEVARAM CHENNAI-600 096
- 1 THE SECRETARY ... RESPONDENT in WP No.34235 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009
- 2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM
- 3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104
- 4 V.PARTHIPAN
NO.60 1ST STREET CHOOLAIMA NAGAR
METTUKUPPAM CHENNAI-600 096
- 1 THE SECRETARY ... RESPONDENT in WP No.34236 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009
- 2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM
- 3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104
- 4 R.THANGAM
NO.418 CANALPURAM NEELANKARAI CHENNAI-600
041
- 1 THE SECRETARY ... RESPONDENT in WP No.34237 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009
- 2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM
- 3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104
- 4 B.RAMESH
3/315 MANIAMMAI STREET EVR PERIYAR NAGAR
CANALPURAM PALAVAKKAM CHENNAI-600 041

1 THE SECRETARY ... RESPONDENT in WP No.34238 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 T.RAMAMIRTHAM
C/O.M.MURALI NO.7 KAMBAR STREET CHENNAI- 600 096

1 THE SECRETARY ... RESPONDENT in WP No.34239 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 U.SARAVANAKUMAR
NO.8 9 10 A.K.P.KOIL STREET WEST MAMBALAM
CHENNAI-600 033

1 THE SECRETARY ... RESPONDENT in WP No.34240 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 N.ELUMALAI
NO.4 KARUNANIDHI NAGAR PERUNGUDI CHENNAI- 600 096

1 THE SECRETARY ... RESPONDENT in WP No.34241 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 E.SRINIVASAN
NO.136 KARUNANIDHI CHOLAN NAGAR
KANDANCHAVADI CHENNAI-600 096

1 THE SECRETARY ... RESPONDENT in WP No.34242 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 M.LALITHA
NO.3/271 AMBEDKHAR STREET CANALPURAM
PALAVAKKAM CHENNAI-600 041

1 THE SECRETARY ... RESPONDENT in WP No.34243 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 S.SHANMUGAM
3/74 SRINAGAR NEW COLONY THORAIPAKKAM
CHENNAI-600 096

1 THE SECRETARY ... RESPONDENT in WP No.34244 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009

2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM

- 3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104
- 4 M.GUNASEKARAN
NO.2/167 KALIAMMAN KOIL STREET KELAMBAKKAM
KANCHEEOURAM DISTRICT PIN CODE 603 103
- 1 THE SECRETARY ... RESPONDENT in WP No.34245 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009
- 2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM
- 3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104
- 4 V.SRINIVASAN
NO.1/369 ARIGNAR ANNA STREET PERUNGUDI
CHENNAI-600 096
- 1 THE SECRETARY ... RESPONDENT in WP No.34246 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009
- 2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT KANCHEEPURAM
- 3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104
- 4 N.PANCHATCHARAM
NO.523 AMBEDKAR STREET CANALPURAM
PERUNGUDI CHENNAI-600 096
- 1 THE SECRETARY ... RESPONDENT in WP No.34247 of 2005
DEPARTMENT OF LABOUR & EMPLOYMENT
GOVERNMENT OF TAMIL NADU FORT ST.GEORGE
CHENNAI-600 009
- 2 THE DISTRICT COLLECTOR
KANCHEEPURAM DISTRICT
KANCHEEPURAM

3 THE PRESIDING OFFICER
FIRST ADDITIONAL LABOUR COURT HIGH COURT
BUILDINGS CHENNAI-600 104

4 T.PITCHAIMONI
NO.131 KARUNANIDHI CHOLAN NAGAR
KANDANCHAVADI CHENNAI-600 096

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari,

WP No.34233 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34234 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34235 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34236 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34237 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34238 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34239 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34240 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919 dated 12.7.2005 passed by the first respondent herein and quash the same

WP No.34241 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919
dated 12.7.2005 passed by the first respondent herein and quash
the same

WP No.34242 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919
dated 12.7.2005 passed by the first respondent herein and quash
the same

WP No.34243 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919
dated 12.7.2005 passed by the first respondent herein and quash
the same

WP No.34244 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919
dated 12.7.2005 passed by the first respondent herein and quash
the same

WP No.34245 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919
dated 12.7.2005 passed by the first respondent herein and quash
the same

WP No.34246 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919
dated 12.7.2005 passed by the first respondent herein and quash
the same

WP No.34247 of 2005
to call for the entire records in pursuance of G.O.No.(D) 919
dated 12.7.2005 passed by the first respondent herein and quash
the same.

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

For Respondents : Mr.J.Ramesh, AGP
for respondent Nos.1 & 2
Mr.M.Ramamoorthy
(for 4th respondent)
(in all W.Ps)

COMMON ORDER

These writ petitions are filed challenging the recovery certificate issued by the first respondent in G.O.(D) No.919 dated 12.07.2005.

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 the 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.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,
Department of Labour & Employment,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Presiding Officer,
First Additional Labour Court,
High Court Buildings,
Chennai - 600 104.

4.The Section Officer,
Accounts Section,
High Court, Madras 104.

+15cc to Mr.Fox Mandal Associates, Advocate, S.R.No.99125 to
99139

+1cc to the Government Pleader, S.R.No. 99980

W.P.Nos.34233 to 34247 of 2005
and
W.P.M.P.Nos.37132, 37134, 37136, 37138, 37140, 37142, 37144,
37146, 37148, 37150, 37152, 37154, 37156 of 2005, 4455 to 4478
of 2006, 327 to 341 of 2006

KK(CO)
GN(04/02/2020)