

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM :

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.A.No.1377 of 2019
and C.M.P.No.9472 of 2019

M/s.Omkar Fine Organics Private Limited,
Rep. by its Managing Director,
No.23/2, Mangalam Road,
Uruvaiyar, Vilianur Commune,
Puducherry - 605 110.

... Appellant/1st Respondent
vs.

1.Omkar Fine Organics Employees Union,
Rep. by its President,
Reg.No.1702/RTU/2012,
No.40, Selva Nagar, Pillaiyar Kovil Street,
Uruvaiyar, Mangalam Post,
Puducherry. ...1st Respondent/ Petitioner

2.The Presiding Officer,
Industrial Tribunal cum Labour Court,
Puducherry. ... Respondents/2nd Respondent

Writ Appeal filed under Clause 15 of Letters Patent Act
against the order dated 27.02.2019 passed in W.M.P.No.3731
of 2019 in W.P.No.16551 of 2018.

Prayer in W.P.No.16551 of 2018:

Petition praying that in the circumstances stated
therein and in the affidavit filed therewith the High Court
will be pleased to pass an Interim Direction, directing the
1st Respondent / Writ Petitioner to pay the Petitioner
Union Members namely 1.K.Elumalai, 2.P.Prabhu,
3.A.Harikrishnan, 4.J.Arul, 5.G.Sasikumar, 6.K.Venkatesh,
7.M.Iyappan, 8.A.Ilayaperumal, 9.R.Arivaradhan,
10.N.Saravanakumar, 11.M.Soundrapandian, 12.A.Baskar,
13.B.Murugaiyan, 14.G.Dasarathan, 15.M.Murugan,
16.G.Suresh, 17. S.Anbu, 18.C.Anbu, their full last drawn
wages or minimum wage whichever is higher and its arrears
from the date of award under Section 17-B of the ID Act and
continue to pay the same every month on or before 10th day

of every English Calendar month, till the (WMP.3731/2019) disposal of the main WP.16551/2018.

For Appellant : Mr.R.Thiagarajan

JUDGMENT

(Judgment of this Court made by T.S.Sivagnanam,J.)

Heard Mr.R.Thiagarajan, learned counsel for the appellant.

2.This appeal by the Management is directed against the order passed by the learned Single Bench in a miscellaneous petition filed by the respondent Employees Union under Section 17B of the Industrial Disputes Act, 1947. The Management having failed to establish before the learned Single Bench that the workmen concerned is gainfully employed, the learned Single Bench in our considered view had rightly allowed the writ petition.

3.Thus, for the above reasons we find that the appellant has not made out any ground to interfere with the order passed. Accordingly, the writ appeal fails and is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

cse

To

1.Omkar Fine Organics Employees Union,
Rep. by its President,Reg.No.1702/RTU/2012,
No.40, Selva Nagar, Pillaiyar Kovil Street,
Uruvaiyar, Mangalam Post,Puducherry.

2.The Presiding Officer,
Industrial Tribunal cum Labour Court,Puducherry.

+1cc to Mr.R.Thiagarajan , Advocate SR.No. 38627

+1 cc to Government Pleader Sr.No. 37980

W.A.No.1377 of 2019
and C.M.P.No.9472 of 2019

A.SK(03/06/2019)