

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.Nos.1540 to 1542/2012 and M.P.No.1/2012 in all W.As. and
M.P.No.2/2012 in W.A.No.1541/2012

W.A.No.1540/2012 :

D.C.M.Hyundai Limited
rep. by Company Secretary
G.Ram Raj,
D.C.M. Hyundai Limited,
Polavakkam Village,
Thirvallur.

.... Appellant

-vs-

1. The State of Tamil Nadu
rep. by Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai-600 009.
2. The Revenue Inspector,
Vangathur Firka,
Thiruvallur Taluk,
Thiruvallur.
3. DCM Hyundai Thozhilalar Nala Sangam
rep. by its Secretary,
No.162, Thambu Chetty Street,
Chennai-600 001.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 13.03.2012 passed in W.P.No.12272/2005
by a learned Single Judge of this Court.

1.Prayer in WP.No.12272/05: Petition filed under Article 226 of
the Constitution of India, praying to issue a writ of certiorari
calling for the records of the 1st respondent pertaining to the
order bearing G.D.D.No.1536 Labour and Employment dated 27.12.04
and quash the same.

For Appellant : No appearance
For Respondents : Mr.K.Nagesh, Spl.G.P.
1 and 2
For 3rd respondent : Ms.Janani Ananthakrishnan

W.A.No.1541/2012 :
D.C.M.Hyundai Limited
rep. by General Manager,
No.2, Sri Ram Nagar,
Prakash Nagar Main Road,
Thirunindravur-602 024,
Thiruvallur District.

... Appellant

-vs-

1. The Presiding Officer,
Industrial Tribunal,
Chennai-600 108.
2. DCM Hyundai Labour Welfare Union
rep. by its Secretary,
No.162, Thambu Chetty Street,
Chennai-600 001.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 13.03.2012 passed in W.P.No.10362/2009
by a learned Single Judge of this Court.

Prayer in WP.No.10362/09:

Petition filed under Article 226 of the constitution of
India, praying to issue a writ of certiorari calling for the
records pertaining to the award dated 08/08/2008 made in
ID.No.44 of 2003 on the file of the 1st respondent herein and
quash the same.

For Appellant : No appearance
For 2nd Respondent : Ms.Janani Ananthakrishnan

W.A.No.1542/2012 :
D.C.M.Hyundai Limited
rep. by General Manager,
No.2, Sri Ram Nagar,
Prakash Nagar Main Road,
Thirunindravur-602 024,
Thiruvallur District.

... Appellant

-vs-

1. The Government of Tamil Nadu
rep. by Secretary to Government,
Labour Department,
Fort St. George, Chennai-600 009.

2. DCM Hyundai Labour Welfare Union
rep. by its Secretary,
No.162, Thambu Chetty Street,
Chennai-600 001.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 13.03.2012 passed in W.P.No.10363/2009 by a learned Single Judge of this Court.

Prayer in WP.No.10363/09:

Petition filed under article 226 of the constitution of India, praying to issue a writ of certiorari to call for the records pertaining to the G.O.(D).No.847, Labour and Employment date 26.08.03 on the file of the first respondent herein and quash the same.

For Appellant : No appearance

For 1st respondent : Mr.K.Nagesh, Spl.G.P.

For 2nd Respondent : Ms.Janani Ananthakrishnan

COMMON JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

The Writ Appeal Nos.1540 to 1542/2012 have been preferred against the Common Order dated 13.03.2012 passed by the learned Single Judge in W.P.Nos.12272/2005 and 10362 and 10363/2009, which were filed challenging the G.O.(D) No.1536 and G.O.(D) No.847, Labour and Employment Department dated 27.12.2004 and 26.8.2003 respectively issued by the Secretary to Government, Labour and Employment Department, Chennai-9 and the award dated 08.08.2008 made in I.D.No.44/2003 passed by the Presiding Officer, Industrial Tribunal, Chennai respectively.

2. When the matters were called today, Ms.Janani Ananthakrishnan, learned Counsel appearing for the respondent-DCM Hyundai Labour Welfare Union submitted that the issue-in-dispute in these writ appeals have already been settled between the parties out of court. Therefore, there was no representation on behalf of the learned Counsel for the

appellant. Mr.K.Nagesh, learned Special Government Pleader appearing for the Official Respondents-State is also present.

3. At the outset, it may be mentioned that W.P.No.12272/2005 has been filed challenging the Government Order in G.O.(D) No.1536, Labour and Employment, dated 27.12.2004 in and by which the Government has issued the Revenue Recovery Certificate in favour of one Arulanandam and 48 other workers under Section 33-C(1) of the Industrial Disputes Act, 1947 and by the said Certificate, the State Government had granted the certificate authorizing payment of salary for workers for the month of June and July, 2000 to 49 workers amounting to Rs.2,45,000/-. That was challenged by the Workmen represented by DCM Hyundai Thozhilalar Nala Sangam rep. by its Secretary, 102, Thambu Chetty Street, Chennai. It also appears that even before the revenue recovery certificate was issued, the workmen raised an industrial dispute in regard to the declaration of illegal layoff for 50 workers from 16.8.2000 as they were denied employment. Hence, they were demanding full wages for the said period. The State Government by G.O.(D) No.847, Labour and Employment Department, dated 26.8.2003 referred the dispute for adjudication by the Industrial Tribunal, Chennai which was registered as I.D.No.44/2003 by the Industrial Tribunal in which Industrial Tribunal, Chennai by award dated 08.08.2008 has held as follows:

"In the result, award is passed holding that 1) the demand of the union claiming full salary for the period of denial of work to 39 workmen except one individual Thiru Senthil Kumar from June 2000 to till the date of allotment of work is justified. 2) the demand of the union claiming the lay off and denial of work from 16.8.2000 to the workers mentioned in the annexure as illegal and they are entitled for full salary from 16.8.2000 to till the date of allotment of work is justified. No costs."

Aggrieved thereby the management/appellants herein filed W.P.Nos.10362 and 10363/2009 before this Court. The learned Single Judge dismissed all the three Writ Petitions by a Common Order dated 13.03.2012 holding that the workers are entitled to withdraw the amount lying in deposit either with this Court or with the Labour court pursuant to the interim directions issued by this Court. Aggrieved thereby, these Writ Appeals have been filed.

4. Under such circumstances, a perusal of the notes papers reveals that when the matters were called on 02.08.2012, a prayer was made by Mr.Sanjay Mohan, learned Senior Counsel for the appellant to grant time to settle the matter and this Court has also granted sufficient time to explore the possibility of

amicable settlement between the parties which is extracted here under :

"Mr.Sanjay Mohan, learned Senior Counsel submits that the appellant is not interested to contest the matter, rather to settle it, in the event the respondents appear pursuant to the notice issued by this Court. Hence, without going into the merits of the appeal, we direct the issuance of notice to respondents returnable in four weeks only for the purpose of settlement, which according to the learned Counsel, will be reached soon."

Thereafter, when the appeals were listed today after nine years, i.e. on 09.04.2021, Ms.Janani Ananthakrishnan, learned Counsel for DCM Hyundai Labour Welfare Union rep. by its Secretary has stated that the disputes between the parties have been settled between the parties and as such, nothing survives for adjudication in these Writ Appeals.

5. Recording the said submission of the learned Counsel for the respondent- DCM Hyundai Labour Welfare Union represented by its Secretary that the dispute between the parties have been settled, these appeals are dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

tsi

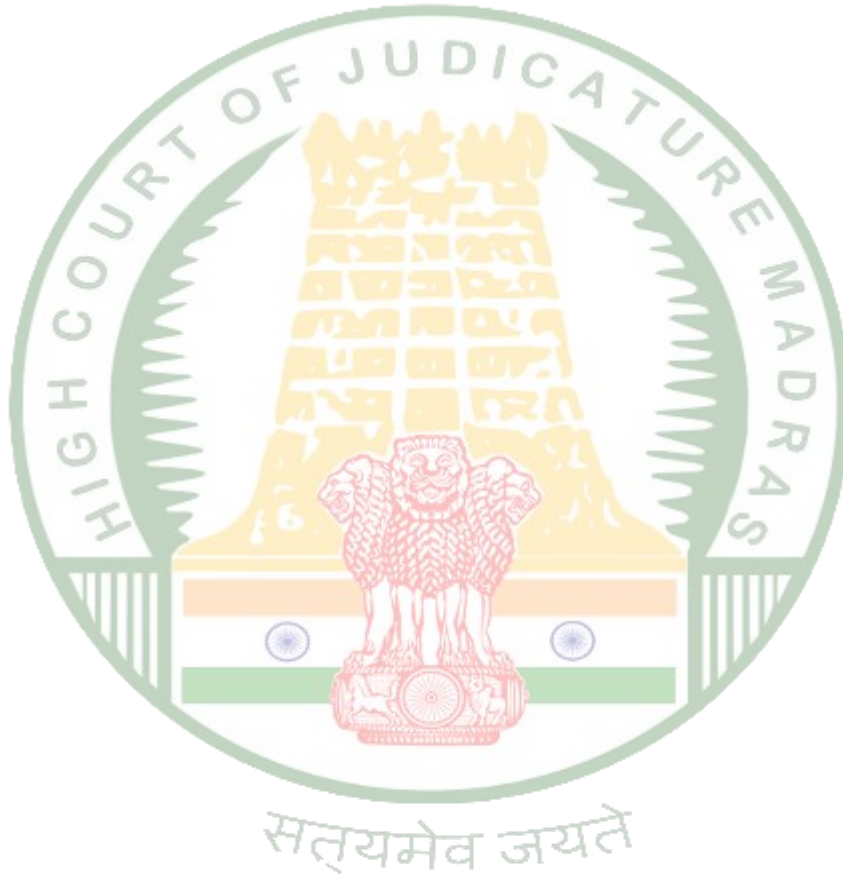
To

1. The Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort St. George, Chennai-600 009.
2. The Revenue Inspector,
Vangathur Firka,
Thiruvallur Taluk,
Thiruvallur.
3. The Presiding Officer,
Industrial Tribunal,
Chennai-600 108.

+1cc to Mr.K.V.Anantha Krushnan, Advocate, S.R.No.22660
+1cc to the Government Pleader, S.R.No.22781

W.A.Nos.1540 to 1542/2012

SR-II (CO)
CB (21/06/2021)



WEB COPY