



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.15516, 31793 of 2002
and

W.M.P.Nos.20785, 19168 of 2002

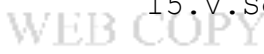
W.P.No.15516 of 2002

The Management of Funkskool (India) Ltd,
Lalapet, Mukuntharayapuram Post,
Ranipet 632 405. Rep. by its
Finance Manager & Company Secretary

...Petitioner

Vs

1. Presiding Officer,
Labour Court, Vellore.
2. The Management,
MRF Leather Division,
124 Greaves Road,
Chennai 600 006.
- 3.K.Mani
- 4.E.Rajendhiran
- 5.M.Murugan
- 6.L.Subramani
- 7.C.M.Rajenthiran
- 8.N.Settu
- 9.K.M.Sekar
- 10.A.Bashkaran
- 11.M.Sambath
- 12.S.Sundharamurthi



37.K.Raji



38.G.Murugan

39.V.Murukesan

40.P.Parvathi

41.S.Adimulam

42.P.Parvathy

43.K.Munisami

44.T.S.Bhaskaran

45.S.Palani

46.S.Chinnadhurai

47.M.Yashotha

48.V.Narasammal

49.J.Kokila

50.K.Nagarajan

51.E.Manalan

52.T.V.Munisami

53.R.Jayakumar

54.V.Perumal

55.E.Samuvel

56.R.Govindasami

57.K.Venkatesan

58.R.Pichandi

59.K.Ravi

60.D.Thiruvarangam

61.A.Kattikan

62.C.Panchai



63.M.Sankaran

64.M.Kanniyappan

65.N.Shanthi

66.V.Parasuraman

67.G.Sanjeevi

68.A.K.Subramani

69.P.Govindasami

70.R.Muniyan

71.T.Sabapathi

72.S.Banumurthi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the first respondent from adjudicating the disputes in I.D.Nos.278 of 2001 to 347 of 2001 raised by the respondents 3 to 72.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
For R1 : Labour Court
For R2 : Mr.Sanjay Mohan
for M/s.S.Ramasubramanian Asso.
For R3 to R72 : Mr.K.M.Ramesh

W.P.No.31793 of 2002

The Management,
MRF Ltd.,
124, Greems Road,
Chennai 600 006.

...Petitioner

-Vs-

1. The Presiding Officer,
Labour Court,
Vellore.
2. Labour Officer - 1.
Vellore.



3. Commissioner of Labour,
Labour Welfare Board Building,
DMS Compound,
Chennai - 600 006.

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4. Funskool (India) Ltd.,
Lalapet, Mukuntharayapuram Post
Ranipet - 632 405

5.K.Mani

6.E.Rajendiran

7.M.Murugan

8.L.Subramani

9.C.M.Rajendiran

10.N.Sait

11. K.M.Sekar

12.A.Baskaran

13.M.Sampath

14.M.Sundaramoorthy

15.P.Renu

16.P.Moorthy

17.V.Sekar

18.B.Kumari

19.N.M.Pichandi

20.R.Ramamoorthy

21.S.Umapathi

22.G.Kumaresan

23.Y.Chellaiyan

24.V.Muruganandam



25.V.K.Subramani

26.K.Chinnadurai

27.K.M.Kollapurai

28.M.Tamilselvan

29.K.C.Rajendiran

30.E.Ravi Sankar

31.K.Sakunthala

32.P.Chandira

33.G.Parasuraman

34.P.Ekambaram

35.M.Janarthanam

36.V.Ragavelu

37.T.Sundararajan

38.K.Nirmala Santha kumari

39.K.Raju

40.G.Murugan

41.V.Murugesan

42.P.Parvathy

43.S.Adhimoolam

44.A.Balakrishnan

45.K.Munuswamy

46.T.S.Baskaran

47.S.Palani

48.S.Chinnadurai

49.M.Yesodha



50.V.Narasammal

51.J.Kokila

52.K.Nagarajan

53.E.Manalan

54.T.U.Munuswamy

55.R.Jayakumar

56.V.Perumal

57.E.Samuel

58.R.Govindaswamy

59.K.Venketesan

60.R.Pichandi

61.K.Ravi

62.D.Thiruvengadam

63.A.Katikan

64.C.Pachai

65.M.Sankaran

66.M.Kanniappan

67.N.Santhi

68.V.Parasuraman

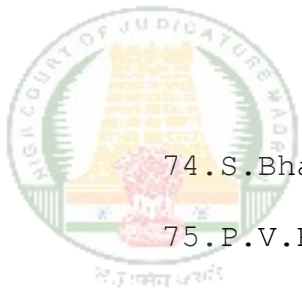
69.G.Sanjeevi

70.A.K.Subramani

71.P.Govindaswamy

72.R.Muniyan

73.T.Sabapathy



74.S.Bhanumoorthy

75.P.V.Raman

76.N.S.Loganathan

77.G.Mani

78.Ms.Vijaya

79.N.M.Subramani

80.M.Sivalingam

81.C.Pichandi

82.K.Muniyandi

83.J.Pushpa

84.K.Balaraman

85.Y.Joys

86.S.Krishnaveni

87.N.Sundaramoorthy

88.P.Vinayagam

89.S.M.Rajendiran

90.A.Sulochana

91.M.Ganapathi

92.G.Arumugam

93.G.Raman

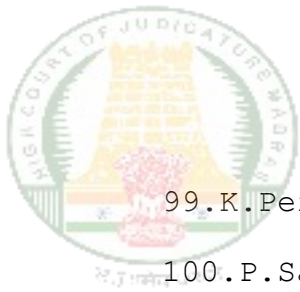
94.E.Thomas

95.K.Parthiban

96.L.Ulaganathan

97.V.Sivakumar

98.M.Krishnamoorthy



99.K.Perumal

100.P.Sagadevan

101.E.James

102.S.Murugan

103.N.Malika

104.A.Rajendiran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the First Respondent from adjudicating the disputes in I.D.Nos.278 of 2001 to 347 of 2001 and 2 of 2002 to 31 of 2002 raised by the Respondents 5 to 104.

For Petitioner : Mr.Sanjay Mohan
for M/s.S.Ramasubramanian Asso.
For R1 : Labour Court
For R2 & R3 : Mr.K.Tippu Sulthan
Government Advocate
For R4 : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
For R5 to R104 : Mr.K.M.Ramesh

COMMON ORDER

For the sake of convenience, the parties are referred to by their names.

2. The private respondents herein are the erstwhile employees of the Leather Division of MRF Limited. In December 1998, the Funkskool Unit leased out their property, in which MRF Limited was running its Leather Division. The private respondents, through the Trade Union, had entered into a settlement under Section 18(1) of the Industrial Disputes Act with MRF Limited, whereby, the services of these respondents, together with other employees, were settled on 25.08.1997 and the necessary compensation was also paid to them. In this background, these private respondents, numbering about 70 and 100, raised disputes on 20.12.2000 before the Labour Officer, Vellore, predominantly claiming re-employment under Funkskool Unit.

3. When the Section 18(1) settlement was arrived between the Trade Union and MRF Limited, all these workmen had approximately



put in services between 12 and 20 years. Apparently, 24 years have passed, since the settlement was arrived at. These writ petitions were filed in the year 2002 and the conciliation proceedings before the Labour Officer has also been stayed. These workmen, who are the private respondents in these writ petitions, have either reached the age of superannuation or at the verge of reaching the age of superannuation. In this background, the grounds raised in these writ petitions as well as the claims made in the dispute, were looked into.

4. It is not in dispute that the workmen, who have raised the industrial dispute, were members of the Trade Union, which had reached the settlement under Section 18(1) on 25.08.1997. As per the terms of the settlement, each of the workmen were paid compensation/ex-gratia amounts, as full and final settlement, pursuant to which they had also tendered their resignations before the Management of MRF Limited (Leather Division). In this background, the Funskool Unit had commenced its operations in the month of December, 1998 on the location where the Leather Division of MRF Limited was in operation, on a lease basis.

5. The only ground which the workmen seem to have taken is that the Funskool Unit is a part of MRF group of companies and therefore, they are entitled for re-employment. The workers also seem to claim that they were coerced to accept to the terms of settlement arrived at under Section 18(1) between MRF Limited and the Union.

6. While the learned counsel for the private respondents would refer to Section 25H of the Industrial Disputes Act, for the purpose of claiming re-employment on the ground that they were retrenched workmen, the counsels for both the managements would submit that since these workmen before this Court, are not the employees of Funskool Unit and also since they were settled through a Section 18(1) settlement, dated 25.08.1997, they are estopped from making any claim in connection with their reinstatement or re-employment. It is also the case of these managements that the business of Funskool Unit has got nothing to do with the business of MRF Limited and that they are independent entitees. It is also their submission that when the Trade Union had raised similar disputes before the Labour Officer, Vellore, against the Funskool Unit, the same was rejected, on the ground that there was no employee/employer relationship between the workmen of the Trade Union and the management of Funskool and therefore, they are not entitled to claim re-employment.

7. From the submissions made by the respective counsels, the only ground on which the workmen seem to have made an attempt to



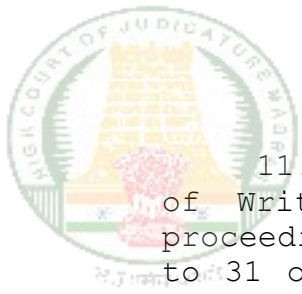
claim re-employment is that they were illegally retrenched from the services of MRF Limited and therefore, they are entitled to be re-employed by Funkskool Unit, which is claimed as a subsidiary company under the MRF group.

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8. The dispute before the Labour Court in this connection cannot be effectively permitted to continue for two reasons. Firstly, the individual workers had predominantly sought for the relief of re-employment. Admittedly, the age which these workmen have now attained, cannot be a feasible age for the management of Funkskool to re-employ them, since they have either reached the age of superannuation or are at the verge of reaching the age of superannuation. Secondly, this is a case where these individual workmen/ respondents were settled through a Section 18(1) settlement and have also acted on the terms of the settlement, by receiving the compensation/ex-gratia and tendered their individual resignations. There is absolutely no prima facie material produced before this Court or the Labour Court to substantiate that they were coerced to receive the compensation. Above all, when the Funkskool Unit had commenced their operations in the concerned site in the month of December, 1998, the Union have made a faint attempt to seek for re-employment for their members with the Funkskool Unit, which dispute was also rejected by the Labour Officer, Vellore, on 09.05.2000.

9. The fact remains that these individual workmen/respondents have received their compensations, pursuant to the settlement arrived on their behalf by the Trade Union and have also acted on the terms by tendering their resignations to the erstwhile management. There does not seem to be any employee/employer relationship between the Funkskool Unit and these individual workmen, even as per the averments made by them in the petition filed under Section 2A of the Industrial Disputes Act.

10. While that being so, this Court is unable to comprehend as to how the Labour Court can effectively adjudicate the dispute raised by these workmen and thereafter decide the same, for the purpose of re-employing them in Funkskool Unit, particularly, in the light of their respective ages. Accordingly, this Court is of the view that no effective orders can be passed in the dispute raised by the workers in I.D.Nos.278 of 2001 to 347 of 2001 and 2 of 2002 to 31 of 2002. As such, if the dispute is permitted to be adjudicated, it would only be a futile exercise and hence, this Court would be justified in exercising its power under Article 226 of the Constitution of India to set aside the same.



11. Though the petitioners herein have sought for issuance of Writ of Mandamus, this Court is of the view that the proceedings in I.D.Nos.278 of 2001 to 347 of 2001 and 2 of 2002 to 31 of 2002, if permitted to be adjudicated, would only be a futile exercise, in view of the aforesaid reasons. Hence, it would be justifiable to modify the prayers sought for by the writ petitioners.

12. In the light of the above observations, the proceedings in I.D.Nos.278 of 2001 to 347 of 2001 and 2 of 2002 to 31 of 2002, on the file of the Labour Court, Vellore, are quashed. Accordingly, the Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Presiding Officer,
Labour Court,
Vellore.
2. The Labour Officer - 1.
Vellore.
3. The Commissioner of Labour,
Labour Welfare Board Building,
DMS Compound,
Chennai - 600 006.

+1CC to Mr.K.M.Ramesh, Advocate, Sr.No.41995

+1CC to M/s.T.S.Gopalan & Co., Advocate, Sr.No.42535

+1Cc to Government Pleader, Sr.No.42705

W.P.Nos.15516, 31793 of 2002
and

W.M.P.Nos.20785, 19168 of 2002

GPL (CO)

K.RK. (01.10.2021)