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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

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THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.Nos.15598 of 2021, 13727 & 13731 of 2020
and

W.M.P.Nos.17066, 17070, 21394 of 2020 &
16515, 16516, 21855, 21856 of 2021

The Management,
SUSPA Pneumatics (India) Pvt. Ltd.,
Guduvancherri-Thiruporur Road,
Pandu Village No.16, Kayarambedu P.O,
Guduvancheri-603 202,
Tamilnadu.

...Petitioner in all cases

-Vs-

1. Government of Tamilnadu,
Represented by Addl. Chief Secretary,
Labour and Employment,
Fort St.George,
Chennai - 600 001.

2. The General Secretary,
Chennai Yetrumathi Valaga Uzhiyargal
Matrum Podhu Thozhilalar Sangam,
No.15 Kannan Street, Kadaperi,
Chennai - 600 045.

...Respondents 1 & 2 in all cases

3. The Labour Court,
Kanchipuram.

...3rd respondent in W.P.Nos.
13727 & 13731 of 2020

Prayer in W.P.No.15598 of 2021: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records connected with G.O. (P) No.316 Labour and Employment (A2) Department, dated 24.06.2020 issued by the first respondent and quash the same.

Prayer in W.P.No.13727 of 2020: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records connected with G.O.



(P) No.316, dated 24.06.2020 issued by the first respondent and quash the same.

Prayer in W.P.No.13731 of 2020: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records connected with G.O.

(D) No.549, dated 04.12.2021 issued by the first respondent and quash the same.

(in all cases)

For Petitioner : Mr.John Zachariah
for Fox Mandal and Associates

For R1 : Mr.S.Arumugham,
Government Counsel

For R2 : Mr.V.Ajay Khose

COMMON ORDER

By consent of both the parties, all these writ petitions are taken up for final disposal.

2. Touching upon a reference questioning the sanctity of dismissal orders passed in the case of 20 workmen and their right to be reinstated, the Government had originally issued G.O.(D) No.549, Labour and Employment Department, dated 04.12.2012, which was initially taken on file by the Labour Court, Chennai in I.D.No.317 of 2012 and subsequently transferred to the Labour Court, Kanchipuram and taken on file as I.D.No.782 of 2018. In the said G.O.(D) No.549, the annexure of the 20 workmen was not enclosed. However, the concerned Labour Court had proceeded with the dispute without the list of the workmen. In this background, the Government had subsequently issued G.O.(P) No.316, Labour and Employment Department, dated 24.06.2020, enclosing the list of 20 workmen, which was omitted to be annexed in G.O.(D) No.549, dated 04.12.2012. As such, G.O. (P) No.316, dated 24.06.2020 can only be construed to be a part of G.O.(D) No.549, dated 04.12.2012.

3. However, the Labour Court, Kanchipuram, had registered the dispute under reference in G.O.(P) No.316, dated 24.06.2020 as a fresh dispute in I.D.No.47 of 2020 and had proceeded with the same, which is now pending. Since G.O.(P) No.316, dated 24.06.2020 was nothing but a continuation of the earlier G.O.(D) No.549, dated 04.12.2012 and the issue of reference was also one and the same, the Labour Court, Kanchipuram ought not to have



registered it as a fresh dispute, since I.D.No.782 of 2018 was already pending in connection with the same reference. As such, this Court is of the view that since I.D.No.47 of 2020 cannot reach a logical conclusion, the same requires to be closed.

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4. At this juncture, the learned counsel appearing for the Management, as well as the Trade Union, would submit that in the list annexed to G.O.(P)No.316, dated 24.06.2020, one of the workman referred to in Serial No.9, was mistakenly shown and that the concerned workman, namely Mr.M.Vinoth's name has to be deleted and the appropriate workman, namely Mr.R.Vijayakumar's name requires to be replaced therein. Since both the parties have co-jointly made such a request, the same could be considered and consequently, the Government may be directed to pass a suitable amendment to the list annexed in G.O.(P) No.316, dated 24.06.2020.

5. In the light of the above observations, the following orders are passed in these writ petitions:-

a) There shall be a direction to the first respondent/Government of Tamilnadu, Labour and Employment Department, to delete the name of Mr.M.Vinoth found in Serial No.9 in the list annexed to G.O.(P) No.316, dated 24.06.2020 and substitute the same with the name of Mr.R.Vijayakumar and issue an amended list, atleast within a period of 3 weeks from the date of receipt of a copy of this order.

b) On receipt of the amended list of workers, the Labour Court shall continue the adjudication, as per the reference in G.O.(D) No.549, dated 04.12.2012, which is now pending in I.D.No.782 of 2018 and confine its adjudication to the non-employment of the 20 workmen, as per the amended list of workmen to be issued under clause (a) and complete the adjudication in I.D.No.782 of 2018, as expeditiously as possible, preferably within a period of 6 months from the date of receipt of a copy of this order.

c) I.D.No.47 of 2020 pending on the file of the Labour Court, Kanchipuram, is directed to be closed forthwith.

d) The Management of the Union/workmen are at liberty to agitate all the issues available to them under law, before the Labour Court in I.D.No.782 of 2019.



6. With the above directions, all the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

1. The Labour Court,
Kanchipuram.
2. The Additional Chief Secretary,
Government of Tamilnadu,
Labour and Employment,
Fort St.George,
Chennai - 600 001.

+2CCs to M/s.Fox Mandal & Associates, Sr.Nos.45320, 45168

W.P.Nos.15598 of 2021, 13727 &
13731 of 2020

AD (CO)
K.RK. (05.10.2021)