



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP(MD)Nos.15603 & 15604/2012, 3781, 3758 & 3759/2017

WP(MD)No.15603 of 2012

The Management,
Sri Parameswari Spinning Mill (P) Ltd.,
Great Cotton Road,
Panthalkudi - 626 113,
Virudhunagar District.

... Petitioner

Vs.

- 1.The Presiding Officer,
Labour Court, Madurai.
- 2.S.Selvaraj
- 3.A.Selvaraj
- 4.G.Samulraja
- 5.D.Chellasamy
- 6.K.Perumal
- 7.D.Nagarajan
- 8.V.Murugan
- 9.R.Azhagarrajan (deceased)
- 10.S.John Sundarajan
- 11.D.Kulasekaraperumal
- 12.N.Ramasamy
- 13.J.Seenimuthu (deceased)
- 14.D.E.Rajarathinam
- 15.S.Velayutham
- 16.K.Nagarajan
- 17.N.Lakshmanan
- 18.S.Ramasamy
- 19.S.Lakshminarayanan
- 20.S.Mariaselvarajan
- 21.K.Ramasamy
- 22.M.Muthuchamy
- 23.T.S.Kandavelu
- 24.S.Karuppasamy
- 25.S.Selvaraj
- 26.S.Ramasamy
- 27.G.Joseph
- 28.S.Muniyasamy
- 29.N.Vellaichamy
- 30.D.Pondurai



- 32.S.Subramanian
- 33.S.Mariappan
- 34.K.Venkataraj (deceased)
- 35.P.Thalarajan
- 36.D.Kosalraman
- 37.S.Gnanamuthu (deceased)
- 38.A.Ramasamy
- 39.S.Velsamy
- 40.S.Sorimuthu
- 41.G.Thiruvadi
- 42.A.Kumarasamy
- 43.V.Rengarajan
- 44.S.Bangarurajan
- 45.C.Ramasamy
- 46.S.Ramasamy
- 47.M.Sudalimuthu (deceased)
- 48.V.Ramar
- 49.N.Perumalsamy
- 50.N.Subbiah
- 51.G.Sankaranarayanan (deceased)
- 52.K.Anandappan
- 53.S.Sivasubramanian
- 54.S.M.Mariappan
- 55.V.Soundarrajan
- 56.V.Palanivel
- 57.A.Tamilselvi
- 58.A.Sarathkumar
- 59.S.Stellamary
- 60.S.Joyal
- 61.S.Josephin
- 62.V.Saroja
- 63.G.Jabathai
- 64.G.Sundarsingh
- 65.G.Stephan
- 66.G.Immanuvel
- 67.S.Deivanai
- 68.S.Manickam
- 69.Ulagammal
- 70.S.Sornapushpam

...Respondents

(Respondents 57 and 58 are impleaded as legal heirs of the deceased 9th respondent vide Court order dated 29.10.2021 in WMP(MD)No.16061 of 2021 in WP(MD)No.15603 of 2012)

(Respondents 59 to 61 are impleaded as legal heirs of the deceased 13th respondent vide Court order dated 29.10.2021 in WMP(MD)No.11414 of 2021 in WP(MD)No.15603 of 2012)

(Respondent 62 is impleaded as legal heir of the deceased 34th respondent vide Court order dated 29.10.2021 in WMP(MD)No.11296 of 2021 in WP(MD)No.15603 of 2012)



(Respondents 63 to 66 are impleaded as legal heirs of the deceased 37th respondent vide Court order dated 29.10.2021 in WMP(MD)No.11429 of 2021 in WP(MD)No.15603 of 2012)

(Respondents 67 to 69 are impleaded as legal heirs of the deceased 47th respondent vide Court order dated 29.10.2021 in WMP(MD)No.11867 of 2021 in WP(MD)No.15603 of 2012)

(Respondent 70 is impleaded as legal heir of the deceased 51th respondent vide Court order dated 29.10.2021 in WMP(MD)No.11083 of 2021 in WP(MD)No.15603 of 2012)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the award passed by the first respondent herein in I.D.Nos.126/2003 to 179/2003 and I.D.Nos.198/2003 and 199/2003 dated 29.03.2012 and quash the same.

For Petitioner
For R2 to R45,
R 47 to 70

: Mr.S.Srinivasa Raghavan
: Mr.S.Arunachalam

WP(MD)No.15604 of 2012

The Management,
Sri Parameswari Spinning Mill (P) Ltd.,
Great Cotton Road,
Panthalkudi - 626 113,
Virudhunagar District.

... Petitioner

Vs.

- 1.The Presiding Officer,
Labour Court, Madurai
- 2.V.Chandrasekaran
- 3.R.Murugadasan
- 4.K.Ganesan
- 5.N.Chandran
- 6.M.Ramamurthy
- 7.S.Nalliah
- 8.D.Maragadavel
- 9.B.Ramakrishnan
- 10.C.K.Bagyaraj
- 11.V.Mariappan
- 12.M.Subbiah
- 13.B.Palanisamy
- 14.S.Shenbagam
- 15.M.Muthusamy
- 16.R.Jayaram
- 17.R.Piccaikkani
- 18.V.Gurusamy



20.B.Palani
21.A.Subburaj
22.N.Chinnathambi
23.R.Subhash Chandrabose
24.B.Dhanapal
25.B.Mariappan
26.V.Karuppasamy
27.N.Veeraperumal
28.S.Muniasamy
29.S.Joseph

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the award passed by the first respondent herein in I.D.Nos.9/2002 to 33/2002 and I.D.Nos.38/2002 to 40/2002 dated 29.03.2012 and quash the same.

For Petitioner
For R2 to R29

: Mr.S.Srinivasa Raghavan
: Mr.S.Arunachalam

WP(MD)No.3758 of 2017

1.V.Chandrasekaran
2.R.Murugadass
3.K.Ganesan
4.T.Chandran
5.M.Ramamurthi
6.S.Nallaiah
7.T.Maragathavel
8.P.Ramakrishnan
9.C.K.Packiaraj
10.V.Mariappan
11.M.Subbaiah
12.P.Palanisamy
13.S.Senbagam
14.M.Muthusamy
15.R.Jeyaram
16.R.Pitchaikani
17.V.Gurusamy
18.P.Palani
19.A.Subburaj
20.N.Chinnathambi
21.R.Subash Chandra bose
22.P.Dhanapal
23.P.Mariappan
24.V.Karuppasamy
25.A.Veeraperumal
26.S.Muniasamy
27.S.Joseph

... Petitioners



Vs.

1.The Presiding Officer,
Labour Court, Madurai

2.The Management,
Sri Parameswari Spinning Mill (P) Ltd.,
Great Cotton Road,
Panthalkudi - 626 113,
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned award dated 29.03.2012 in ID.Nos.9 to 25, 27 to 33 and 38 to 40/2002 passed by the first respondent, quash the same in so far as holding that the domestic enquiries conducted by the second respondent against the petitioners were fair and proper and that the charges alleged against them were proved and ordering only compensation and consequently to direct the second respondent to reinstate them in service with back wages, continuity of service and all other attendant benefits, award cost.

For Petitioners
For R2

: Mr.S.Arunachalam
: Mr.S.Srinivasa Raghavan

WP (MD) No.3759 of 2017

1.P.Thirumani
2.P.Ganeskumar

... Petitioners

Vs.

1.The Presiding Officer,
Labour Court, Madurai

2.The Management,
Sri Parameswari Spinning Mill (P) Ltd.,
Great Cotton Road,
Panthalkudi - 626 113,
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned award dated 29.03.2012 in ID.Nos.26/2002 passed by the first respondent, quash the same in so far as holding that the domestic enquiries conducted by the second respondent against the deceased employee R.Periyasamy were fair and proper and that the charges alleged against him were proved and ordering only compensation and consequently to direct the second respondent to pay all the benefits including back wages payable to the deceased employee R.Periyasamy from 24.01.2000 to 17.11.2006 as if he were in service with back wages, continuity of service and all other attendant benefits, award cost.



service and all other attendant benefits and award cost.

For Petitioners
For R2

: Mr.S.Arunachalam
: Mr.S.Srinivasa Raghavan

WP(MD)No.3781 of 2017

WEB COPY

- 1.S.Selvaraj
- 2.A.Selvaraj
- 3.G.Samuelraja
- 4.T.Chellasamy
- 5.K.Perumal
- 6.D.Nagarajan
- 7.V.Murugan
- 8.R.Azhagarrajan (deceased)
- 9.S.John Sundarrajan
- 10.D.Kulasekaraperumal
- 11.N.Ramasamy
- 12.J.Seenimuthu (deceased)
- 13.DE.Rajarathinam
- 14.S.Velayutham
- 15.K.Nagarajan
- 16.N.Lakshmanan
- 17.S.Ramasamy
- 18.S.Lakshminarayanan
- 19.S.Mariaselvarajan
- 20.K.Ramasamy
- 21.M.Muthusamy
- 22.T.S.Kandhavelu
- 23.S.Karuppusamy
- 24.S.Selvaraj
- 25.S.Ramasamy
- 26.G.Joseph
- 27.S.Muniasamy
- 28.N.Vellaisamy
- 29.T.Pondurai
- 30.N.Seetharaman
- 31.S.Subramanian
- 32.S.Mariappan
- 33.K.Venkataraj (deceased)
- 34.P.Thalaraj
- 35.T.Kosalram
- 36.S.Gnanamuthu (deceased)
- 37.A.Ramasamy
- 38.S.Velusamy
- 39.S.Sorimuthu
- 40.G.Thiruvadi
- 41.A.Kumarasamy
- 42.V.Rengarajan
- 43.S.Bangaruraj
- 44.G.Ramasamy

<https://hcservices.courts.mys>



45.S.Ramasamy
46.M.Sudalaimuthu (deceased)
47.V.Ramar
48.N.Perumalsamy
49.N.Subbiah
50.G.Sankaranarayanan (deceased)
51.K.Anandappan
52.S.Sivasubramanian
53.S.M.Mariappan
54.V.Soundararajan
55.V.Palanivel
56.A.Tamilselvi
57.A.Sarathkumar
58.S.Stellamary
59.S.Joyal
60.S.Josephin
61.V.Saroja
62.G.Jabathai
63.G.Sundarsingh
64.G.Stephan
65.G.Immanuvel
66.S.Deivanai
67.S.Manickam
68.Ulagammal
69.S.Sornapushpam

... Petitioners

(Petitioners 56 and 57 are impleaded as legal heirs of the deceased 8th petitioner vide Court order dated 29.10.2021 in WMP(MD)No.16068 of 2021 in WP(MD)No.3781 of 2017)

(Petitioners 58 to 60 are impleaded as legal heirs of the deceased 12th petitioner vide Court order dated 29.10.2021 in WMP(MD)No.9644 of 2021 in WP(MD)No.3781 of 2017)

(Petitioner 61 is impleaded as legal heir of the deceased 33rd petitioner vide Court order dated 29.10.2021 in WMP(MD)No.9649 of 2021 in WP(MD)No.3781 of 2017)

(Petitioners 62 to 65 are impleaded as legal heirs of the deceased 36th petitioner vide Court order dated 29.10.2021 in WMP(MD)No.9647 of 2021 in WP(MD)No.3781 of 2017)

(Petitioners 66 to 68 are impleaded as legal heirs of the deceased 46th petitioner vide Court order dated 29.10.2021 in WMP(MD)No.11918 of 2021 in WP(MD)No.3781 of 2017)

(Petitioner 69 is impleaded as legal heir of the deceased 50th petitioner vide Court order dated 29.10.2021 in WMP(MD)No.9646 of 2021 in WP(MD)No.3781 of 2017)



1.The Presiding Officer,
Labour Court, Madurai

2.The Management,
Sri Parameswari Spinning Mill (P) Ltd.,
Great Cotton Road,
Panthalkudi - 626 113,
Aruppukottai Taluk,
Virudhunagar District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned common award dated 29.03.2012 in ID.Nos.126 to 159, 161 to 179 and 198 to 199 of 2003 passed by the first respondent, quash the same in so far as holding that the domestic enquiry conducted by the second respondent against the petitioners were fair and proper and that the charges alleged against them were proved and ordering only compensation and consequently to direct the second respondent to reinstate them in service with back wages, continuity of service and all other attendant benefits and award cost.

For Petitioners	: Mr.S.Arunachalam
For R2	: Mr.S.Srinivasa Raghavan

C O M M O N O R D E R

The core issues in all the above writ petitions are common. Hence, the above writ petitions are clubbed together.

2. Today, ie., on 29.10.2021, when the matters are taken up for hearing, the learned counsels appearing on behalf of both sides have filed a joint memo, dated 27.10.2021, and submitted that the dispute between the parties has been settled in terms of the joint memo. Hence, the learned counsels requested this Court to dispose of the writ petitions in terms of the above memo.

3. The terms of the joint memo filed by the learned counsels is extracted below.

"1.It is submitted that as against the common awards dated 29.03.12 passed by the Honourable Labour Court, Madurai in favour of the 2nd respondents/petitioners workmen in I.D.Nos.9 to 33, 38 to 40 of 2002 & I.D.Nos.126 to 159, 161 to 179, 198 to 199 of 2003, the petitioner/2nd respondent Management filed writ petitions in W.P. (MD).No.15603 of 2012 and W.P. (MD).No.15604 of 2012 and also filed Miscellaneous petitions in the above Writ Petitions praying for the order of stay staying of the execution of the above said awards. This Hon'ble



Court initially passed interim orders staying the awards on the condition that the petitioner/2nd respondent Management deposits the entire award amounts.

2.It is submitted that as against the conditional order of stay, the petitioner/2nd respondent Management filed writ appeals. The Honourable Division Bench in M.P.(MD).No.1 of 2013 in W.A.(MD).No.151 of 2013 and M.P.(MD).Nos.1 and 2 of 2013 in W.A.(MD).No.152 of 2013, passed an interim order dated 12.02.13 directing the petitioner/2nd respondent Management to deposit totally sum of Rs.25,08,000/- before the Honourable Labour Court, Madurai. Obeying the same, petitioner/2nd respondent Management also deposited the above said amount of Rs.25,08,000/- before the Honourable Court and the same is lying the bank account of the Honourable Labour Court, Madurai.

3.As against the very same awards, the 2nd respondents/petitioners Workmen also filed W.P.(MD). Nos.3781, 3758 & 3759 of 2017 claiming certain benefits, which the Labour Court declined to grant them on the above said awards.

4.It is submitted that pending the above writ petitions filed by both sides, the petitioner/2nd respondent Management and the 2nd respondents/petitioners Workmen have now amicably settled the disputes by way of settlements dated 09.10.21 made u/s 18(1) of the I.D.Act, whereby each the 2nd respondent/petitioner workmen agrees to receive a sum of Rs.1,50,000/- as towards full and final settlement of all his claims, based on the above said award and also based on his claims, as claimed by him along with his co-workmen in the writ petitions in W.P.(MD).Nos.3781, 3758 & 3759 of 2017, apart from based on his claim for gratuity along with interest thereof.

5.Based on the above said settlements, the petitioner Management/2nd respondent and the 2nd respondents/petitioners workmen have now decided to withdraw the respective writ petitions filed by them.

6.In view of the above settlement, the petitioner Management/2nd respondent is entitled to



get back the amount of Rs.25,08,000/-, which was deposited before the Honourable Labour Court, along with the accrued interest thereof. The 2nd respondents/petitioners workmen are having no objection for the same. Hence, the petitioner/2nd respondent Management is in need of suitable direction from this Honourable Court to get back/withdraw the above said deposited amount.

7. Therefore, it is prayed that this Honourable Court may be pleased to close the writ petitions W.P.(MD).No.15603 of 2012 and W.P.(MD).No.15604 of 2012 and W.P.(MD).Nos.3781, 3758 & 3759 of 2017, by recording the above said settlements dated 09.10.21 and thus render justice.

Therefore, it is prayed that this Honourable Court may be pleased to pass an order directing the Honourable Labour Court, Madurai to permit the petitioner/2nd respondent Management to withdraw the amount of Rs.25,08,000/- deposited in I.D.Nos.9 to 33, 38 to 40 of 2002 & I.D.Nos.126 to 159, 161 to 179, 198 to 199 of 2003, along with the accrued interest thereof, and thus render justice."

4. The joint memo, dated 27.10.2021, signed by the learned counsels on both sides, is taken on record.

5. Accordingly, these writ petitions are disposed of in terms of the joint memo, dated 27.10.2021, filed by the learned counsels on both sides. The said joint memo, dated 27.10.2021, shall form part of the records. No costs. The Labour Court, Madurai is directed to permit the Management, M/s.Sri Parameswari Spinning Mill (P) Limited, to withdraw the amount of Rs.25,08,000/- deposited in ID.Nos.9 to 33, 38 to 40 of 2002, ID.Nos.126 to 159, 161 to 179, 198 and 199 of 2003 along with the accrued interest there of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO
WEB COPY

*The Presiding Officer, Labour Court,
Madurai.*

*+6 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-33288[F],
33287,33288 dated 29/10/2021)*

WP (MD) Nos.15603 & 15604/2012,
3781, 3758 & 3759/2017
29.10.2021

NA (CO)
KB (24.11.2021) 11P 8C