



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.3677 of 2014

G.Balasubramanian

... Petitioner

vs.

1.The Labour Court,
Tirunelveli.

2.The Management,
South India Co-Op Spinning Mill,
Pettai, Tirunelveli.

... Respondents

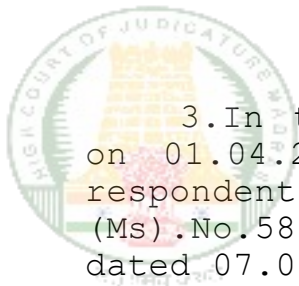
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 25.07.2012 passed in the Claim Petition in C.P.No.25 of 2012 of the first respondent and set-aside the same and consequently, allow the C.P.No.25 of 2012 and thereby to direct the second respondent to pay the amount claimed in the above Claim Petition within the time frame fixed by this Court in this Writ Petition.

For Petitioner : Mr.I.Suthakaran
For R-2 : Mr.K.Hemakarthikeyan

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order, dated 25.07.2012, passed in the Claim Petition in C.P.No.25 of 2012 of the first respondent and set-aside the same and consequently, allow the C.P.No.25 of 2012 and thereby direct the second respondent to pay the amount claimed in the above Claim Petition within the time frame fixed by this Court in this Writ Petition.

2.The petitioner was appointed as a Labour in the second respondent Spinning Mill. The petitioner was suspended on 27.12.1997 and, thereafter, an enquiry was initiated. Since the petitioner did not attend the enquiry, an ex-parte order was passed and thereafter, the petitioner was terminated from service vide order, dated 06.08.1998. Aggrieved over the same, the petitioner raised I.D.No.118/2002 before the Labour Court, Tirunelveli. The Labour Court directed the second respondent to reinstate the petitioner with continuity of service without backwages, vide order, dated 31.03.2009.



3.In the meanwhile, the second respondent has become defunct on 01.04.2004 and the Government has also declared the second respondent as non-functional with effect from 07.04.2005, vide G.O. (Ms).No.58, Handlooms, Handicrafts, Textiles and Khadi Department, dated 07.04.2005.

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4.Thereafter, the petitioner has filed a Claim Petition in C.P.No.25 of 2012, claiming a sum of Rs.1,19,076/- (Rupees One Lakh Nineteen Thousand and Seventy Six only) but, the same was dismissed, vide order, dated 25.07.2012, against which, the present Writ Petition is filed.

5.When the case was taken up for hearing, the learned Counsel appearing for the second respondent submitted that since the second respondent Spinning Mill has become defunct, the second respondent is paying Rs.20,000/- (Rupees Twenty Thousand only) as ex-gratia to the existing employees, but the petitioner is claiming gratuity also.

6. Since the second respondent has become defunct, this Court is of the view that the second respondent shall pay Rs.20,000/- (Rupees Twenty Thousand only) as ex-gratia to the petitioner. As far as the gratuity is concerned, the petitioner shall submit a representation to the Administrator of the second respondent Spinning Mill and the Administrator of the second respondent shall consider the same in consultation with the Government and grant the gratuity to the petitioner. Since the process would take time, the second respondent shall pay at the earliest, may be, within six months from the date of receipt of a copy of this order.

7.Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

jbr/tmg

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

The Presiding Officer,
Labour Court,
Tirunelveli.

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-33875[F] dated 09/11/2021)

Order made in
W.P. (MD)No.3677 of 2014
08.11.2021

SE (CO)

RS/NS (23.11.2021) 3P 3C