



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.6187 of 2014

The Management of Sri Karthikeya Spinning
and Weaving Mills Pvt Ltd.,
Formerly known as
Perur Engineering Products,
6/256, Avinashi Road,
Coimbatore Represented by its
Executive Director.

.. Petitioner

vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.Thiru S.Ravi

3.Thiru K.Sundararajan

4.Thiru M.Davidkumar

5.Thiru C.Rajangam

6.Thiru R.Ramachandran

7.Thiru S.Anandhakumar

8.Thiru V.Jagadeshan

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent in ID Nos.142 to 148 of 1999 and quash its Award dated 13.08.2013.

For Petitioner : Mr.Anand Gopalan for
M/s.T.S.Gopalan and Co.

For Respondent-1 : Labour Court

For Respondents-2 to 4 : Mr.A.Deivasigamani for
Mr.G.B.Saravanabhavan



O R D E R

The writ on hand has been instituted challenging the Award of the first respondent-Labour Court dated 13.08.2013 passed in ID Nos.142 to 148 of 1999.

2. The writ petitioner-Management challenged the Award of reinstatement without back wages on several grounds. However, the learned counsel appearing on behalf of the petitioner-Management made a submission that on 03.10.2018, the petitioner-Management has issued an order of reinstatement, asking the respondent-workmen to report for duty, but the respondent-workmen failed to report for duty and remained absent.

3. The respondent-workmen filed Contempt Petition No.1024 of 2018 and in the said contempt petition, this Court passed orders in the contempt petition on 21.10.2019, dismissing the same, since the respondent-workmen had not reported for duty as per the order of reinstatement issued by the petitioner-Management.

4. When the writ petition is taken up for final hearing, the learned counsel for the petitioner reiterated that even now the petitioner-Management is ready and willing to reinstate the respondent-workmen provided they report for duty.

5. The learned counsel for the respondent-workmen made a submission that the petitioner-Management is not willing to reinstate in the cadre in which the respondent-workmen was originally working along with the salary applicable. However, the said contention is disputed by the petitioner-Management by stating that they will pay the salary applicable to the particular cadre as of now and more-so on par with the similar employees, provided the respondent-workmen report for duty. When such a submission has been made by the learned counsel for the petitioner before this Court and the respondent-workmen is going on raising certain allegations without any materials on record, this Court has to form an opinion that the respondent-workmen is not willing to report for duty as per the order of reinstatement issued by the petitioner-Management in the year 2018 itself.

6. The writ petition has been filed challenging the Award of reinstatement passed by the Labour Court without any back wages. When the petitioner-Management has decided to reinstate the respondent-workmen as per the Award, then considering the grounds challenging the Award made in the writ petition deserves no further consideration. Even now the petitioner-Management is ready to reinstate the respondent-workmen provided they join duty immediately. However, the



respondent-workmen is raising unnecessary doubts without placing any documents or materials on record.

7. This being the factum, no further consideration is required in respect of the grounds raised in the present writ petition. In respect of any other grievance regarding the claim or otherwise during the interregnum period, the respondent-workmen is at liberty to approach the Labour Court for appropriate adjudication.

8. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

Svn

To

The Presiding Officer,
Labour Court,
Coimbatore.

+1cc to M/s.T.S.Gopalan and Co., Advocate SR.No.34437

+1cc to Mr.A.Deivasigamani, Advocate SR.No.34071

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GPL(CO)
GMY(21/06/2022)