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W.M.P.No.24780 of 2019 in
W.P.No.25872 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.M.P.No.24780 of 2019 and
W.P.No.25872 of 2018

1.N.Vadivel
2.S.Seerangan
3.V.Kandasamy
4.E.Varadharaj
5.M.Ramasamy
6.N.Kaliappan
7.P.Munian
8.P.Palanisamy
9.M.Arunachalam
10.V.Natesan
11.S.Nallathambi
WP

... Petitioners/ RR 2 to 12 in

Vs

1.The Management of India Cements Ltd.,
Sankari West – 637 303,
Salem District.

... 1st respondent/petitioner in WP

2.K.R.Madheswaran

... 2nd Respondent/1st Respondent in WP

Petition filed under Article 226 of the Constitution of India praying to issue an order of permission permitting the petitioners 1 to 11/respondents 2 to 12 to withdraw the sum of Rs.38,29,158/- deposited by the Management with the Labour Court, Salem, to the credit of the C.P.Nos.202 to 2011 of 2013 and C.P.No.212 of 2013 by way of interim relief pending disposal of the writ petition.



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For Petitioners : Mr.S.Ayyathurai

For Respondents : Mr.S.Ravindran, Senior Counsel
For Mr.S.Bazeer Ahamed (For R1)
: No appearance (For R2)

ORDER

The prayer sought for herein is to seek for a permission from this Court on behalf of the petitioners 1 to 11 herein who are the respondents 2 to 12 in the writ petition to withdraw a sum of Rs.38,29,158/- deposited by the Management with the Labour Court, Salem to the credit of C.P.Nos. 202 to 211 of 2013 and C.P.No.212 of 2013 by way of interim relief pending disposal of the writ petition.

2. When the main writ petition came to be admitted, there was an interim order passed by this Court under which 50% of the amount, which was computed and directed to be paid to the workers by the Labour Court, was directed to be deposited in the said C.P. account by the orders of this Court. The total amount quantified was Rs.76,00,000/- therefore, the 50% being Rs.38,00,000/- and odd was deposited by the petitioner Management in the credit of the C.P.Nos.202 to 2012 of 2013 referred to above. The said amount is lying in the said account only. In



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order to withdraw the said amount, the present miscellaneous petition has been moved by the persons who are workers and respondents in the main writ petition.

3. Heard Mr.S.Ravindran, learned Senior Counsel appearing for the writ petitioner Management and Mr.S.Ayyathurai, learned counsel appearing for the respondents (workers) in the main writ petition.

4. Though the prayer is sought for in this miscellaneous petition on behalf of the workers to withdraw the entire amount of Rs.38,29,158/-, this Court after hearing both sides was of the view that, as an interim measure, approximately 1/3rd of the deposited amount being Rs.1,00,000/- to each of the worker totally 11 workers can be permitted to be withdrawn by these workers who are the petitioners herein.

5. However, the learned Senior Counsel appearing for the Management submits that, these workers were contract employees of the 1st respondent in the main writ petition who was the contractor, whose contract has been terminated long back. Therefore, in this context, the



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responsibility fastened on the Management by the orders of the Labour Court which is impugned in the main writ petition itself is to be decided only in the final hearing of the writ petition and since other three writ petitions for the earlier period also are pending before this Court of the year 2005 and 2003, therefore combined hearing of all these writ petitions would give a quietus to the issue raised in all these writ petitions. Hence the learned Senior Counsel appearing for the Management has submitted that the Management cannot part away a part of the money deposited pursuant to a conditional order of this Court and therefore, if at all any interim relief has to be given to these workers, let they approach the 1st respondent in the writ petition who is the contractor from whom the amount ranging from Rs.1,00,000/- to Rs.1,30,000/- for each of these workers are due, out of the amount due from the contractor, some of them have received the compensation and some of them have not received, therefore they can approach the contractor and get the money for which the Management is not responsible.

6. However, Mr.S.Ayyathurai, learned counsel appearing for the workers would submit that, compensation order was passed by the



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Labour Court which are impugned herein under which more than Rs.75,00,000/- are due even as on the date of the award passed in the Computation Petitions. Therefore, at the time of admitting the writ petition, this Court passed a conditional order to direct the Management to deposit 50% of the amount, which comes about Rs.38,00,000/- and odd, which has been accordingly deposited and is lying in the C.P. Account, therefore a part of the said amount deposited for which the workers are entitled to withdraw permissions alone have been sought for in this miscellaneous petition. Insofar as getting any compensation from the contractor is concerned, even according to the decision of the Labour Court, the responsibility is now lies only with the Management and not with the contractor, therefore as of now the workers cannot go before the contractor and get any money.

7. The aforestated controversy even to make an interim arrangement for settling some amount to these workers out of the deposit already been made by the Management itself is not possible in view of the stiff stand taken by both sides, therefore this Court feels that the entire issue can be decided by this Court in the final hearing of the writ petition.

8. The impediment for disposing the main writ petition in the final



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hearing is that, already three writ petitions have been filed i.e., W.P.No.7994 of 2005, W.P.No.8634 of 2003 and W.P.No.8790 of 2003 and those writ petitions are questioning the order passed by the Labour Court for the previous period and those orders have some repercussion in the present impugned order, therefore a combined hearing is desirable, hence both sides counsel have requested that all these writ petitions can be tagged together for combined final hearing.

9. In that view of the matter, the following orders are passed in this miscellaneous petition:

That this Miscellaneous Petition, for the reasons stated above, as of now, cannot be ordered, hence it is dismissed.

No costs.

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Index : Yes / No

Speaking Order : Yes / No

Sgl

R. SURESH KUMAR, J.



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