



WP No.26006 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.26006 of 2019

And

WMP No.25417 of 2019

The Management of Greeta Musical Instruments
Manufacturing and Exports Pvt Ltd.,
No.96, Functional Estate,
Perungudi,
Chennai-600 020 Represented by its
Managing Director Mr.K.J.Mani. ..

Petitioner

VS.

1.The General Secretary,
Greeta Musical Instruments
Manufacturing and Exports Pvt Ltd.,
Tamil Nadu Industrial General Workers Union,
1/250, Pillaiyar Koil Street,
Thuraipakkam,
Chennai – 600 097.

2.M/s.Ramaneeyam Builders,
11, Second Main Road,
Gandhi Nagar,
Adyar,
Chennai – 600 020.



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3.M/s.Enrique Keller India Private Limited,
Plot No.81, 82 SIPCOT Industrial Estate,
Gummidipoondi – 600 103. ..

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 Principal Labour Court, Chennai in ID No.113 of 2008 and quash its award dated 15.03.2016.

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

For Respondent-1 : Mr.P.Solomon

For Respondents-2 and 3 : No Appearance

O R D E R

The Award dated 15.03.2016 passed by the Principal Labour Court, Chennai in ID No.113 of 2008, is under challenge in the present writ petition.

2. The petitioner is the Management of Greeta Musical Instruments Manufacturing and Exports Private Limited.



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3. The learned counsel for the petitioner states that the factory has already been closed and five of the workmen had been settled after passing of the Award by the Labour Court.

4. The learned counsel for the petitioner made a submission that the Management is willing to settle the remaining employees on par with the other five employees, who had received the settlements.

5. However, the learned counsel for the respondent-employees opposed the said contention raised on behalf of the learned counsel for the petitioner by stating that the petitioner-Company, though closed, commenced another Company in different place, wherein the very same Directors are running the Company.

6. In this regard, the learned counsel for the respondent-employees made a submission that they are ready to establish the said facts before the Labour Court.



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7. It is contended that many other mitigating factors are also to be established, since the petitioner has taken the ground that the Company itself had been closed.

8. In view of the fact that the facts disputed between the parties are yet to be adjudicated in full, this Court thought fit to remand the matter back to the Principal Labour Court, Chennai, enabling the parties to submit their additional documents and prove their cases.

9. The learned counsel for the respondent-employees has no serious objection for remanding the matter back to the Labour Court.

10. The learned counsel for the petitioner made a submission that the case may be remanded back for the purpose of re-adjudication, enabling the parties to submit their additional documents to establish that the petitioner-Company was closed and the different Company as started by the respondent-employees are no way connected with the petitioner-Company.



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11. Per contra, the learned counsel for the respondent-employees states that it is the one and the same Company, which is being run by the very same Directors.

12. In view of the contradicting factors now placed before this Court, the matter is to be remanded back for reconsideration.

13. Accordingly, the impugned Award passed by the Principal Labour Court, Chennai dated 15.03.2016 in ID No.113 of 2008 is quashed and the matter is remanded back to the Principal Labour Court, Chennai for fresh adjudication and the respective parties may be permitted to file their additional documents, if any and adduce their evidences and all the issues are left open for adjudication. Thus the Principal Labour Court, Chennai is requested to adjudicate the issues and dispose of the same as expeditiously as possible.



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14. With the abovesaid directions, the writ petition stands

allowed. However, there shall be no order as to costs. Consequently,
connected miscellaneous petition is closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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The Principal Labour Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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