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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1683 of 2023
and WMP No.1787 of 2023

The Management
Palaniandavar Cotton & Synthetic Spinners Ltd.,
Angeriplayam Road
231, Thali Road
Udumelpet-642 126.

..... Petitioner

vs.

V.Soundararajan

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the Additional Labour Court, Coimbatore pertaining to its order dated 24.06.2022 made in E.A.No.1/2022 in E.P.No.76/2021 and quash the same.

For Petitioner : Mr.S.Mukunth
Senior Counsel

ORDER

This writ petition has been filed challenging the order passed by the Additional Labour Court, Coimbatore in E.A.No.1/2022 in E.P.No.76/2021 dated 24.06.2022.



2.The respondent raised an industrial dispute, challenging his order of dismissal from service by the petitioner in I.D.No.215 of 2005 and the same was dealt with by the Labour Court, Coimbatore. The Labour Court passed an award on 13.09.2010, directing the petitioner to reinstate the respondent with back wages and other attendant benefits.

3.Since the petitioner did not comply with the award, the respondent filed a computation petition in C.P.No.35 of 2018 and claimed a sum of Rs.7,70,530/- from the petitioner. The Labour Court awarded a sum of Rs.6,43,572/- by an order dated 18.02.2021.

4.Even the above order passed by the Labour Court was not complied with by the petitioner and hence, the respondent filed an Execution Petition in E.P.No.76 of 2021, before the Additional Labour Court, Coimbatore to execute the award dated 18.02.2021. During the pendency of the Execution Petition, an application came to be filed to amend and to add the name of one Mr.Vikram Sathyanathan, as the Director of the petitioner Company. This amendment petition was allowed by the Labour Court by an order dated 24.06.2022. Aggrieved by the same, the present writ petition has been filed before this Court.



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5. Heard Mr.S.Mukunth, learned Senior Counsel for the petitioner.

6. In the considered view of this Court, the respondent has been running from pillar to post from the year 2001 onwards and all the orders that have been passed in favour of the respondent have not been complied with till date. The respondent has initiated execution proceedings for the recovery of a sum of Rs.6,43,572/-. During the pendency of the execution petition, the respondent wanted to make an amendment and to add the name of the present Director of the petitioner Company and the same was allowed by the Labour Court.

7. This Court does not find any apparent illegality or infirmity in the order passed by the Court below. The Labour Court has merely allowed the amendment and added the name of the present Director. The Company which is an artificial person must be represented by a natural person and Mr.Vikram Sathyanathan, being the present Director of the Company was sought to be impleaded in the execution petition. Such order passed by the Labour Court cannot be found fault and ultimately, the respondent who has been running around for the last 21 years must get his remedy somewhere.



8. In view of the above, this Court does not find any merits in this writ petition and accordingly, the present writ petition stands dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

24.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

Presiding Officer
Additional Labour Court
Coimbatore.



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N. ANAND VENKATESH, J.

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W.P No.1683 of 2023

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