



W.P.No.35178 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.35178 of 2002

And

W.P.M.P.Nos.52352 of 2002 and 4296 of 2006

The Management of Southern Asbestos Cement Ltd.,
(Now known as Ramco Industries Limited),
Winterpet P.O.,
Arakkonam – 631 005.

... Petitioner

Vs.

1.The Presiding Officer,
II Additional Labour Court,
Chennai.

2.K.M.Ramachandran
3.G.Jayaraj
4.G.Rathinam
5.A.Ratnam
6.R.Wilson
7.K.Panneerselvam
8.S.R.Muthusamy Raja
9.M.J.Christy
10.M.Ramasamy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent comprised in Award dated 27.12.2001 passed in I.D.No.420 of 1980 and quash the same.



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For Petitioner : Mr.R.Parthasarathy
For Respondents : R1 – Court
Mr.V.Ajoy Khose for R2, R3 and R9
No Appearance for R4 to R8

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent comprised in Award dated 27.12.2001 passed in I.D.No.420 of 1980 and to quash the same.

2.The case of the petitioner is that the respondents 2 to 10 are the workers in the petitioner Management who absented themselves from duty without any prior permission or leave for more than 10 consecutive days and hence, the petitioner Management proceeded to invoke Clause 39 of the Certified Standing Orders and hence, respondents 2 to 10 raised industrial disputes in I.D.No.420 of 1980 before the first respondent and the same was dismissed vide Award dated 17.01.1986. Challenging the same, respondents 2 to 10 filed W.P.No.3492 of 1987 before this Court, however, respondents 4 to 8 and 10 did not pursue the matter further and relinquished their rights in the claim petition. This Court vide order dated 18.01.1997 disposed of the said writ petition by remitting the matter back to the first



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respondent, pursuant to which, the present impugned order was passed. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner Management had already deposited the amount to the credit of I.D.No.420 of 1980 before the first respondent as per the order of this Court dated 11.09.2002 made in W.P.M.P.No.52352 of 2002 in W.P.No.35178 of 2002.

4.The learned counsel appearing for the respondents 2, 3 and 9 submitted that except one person, others died and the learned counsel is also not able to state as to whether the amount has been withdrawn or not.

5.It is the contention of the learned counsel appearing for the petitioner that the petitioner Management had already deposited the amount to the credit of I.D.No.420 of 1980 before the first respondent as per the order of this Court dated 11.09.2002 made in W.P.M.P.No.52352 of 2002 in W.P.No.35178 of 2002. Recording the same, this writ petition is closed. Petitioner is at liberty to withdraw the same by filing appropriate application before the Court, if the same



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J.NISHA BANU,J.

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has not yet been withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

30.01.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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and 4296 of 2006**

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