



WEB COPY

W.P.No.12994 of 2009



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.12994 of 2009
and WMP.No.22467 of 2021

1. P.R.Veerappan
2. M.Sukumar
3. K.Mariappan
4. R.Purushothaman
5. V.Balasubramaniam
6. K.K.Solai Alagar
7. M.Lakshmiyathal
8. T.Vijayakumari

... Petitioners

-Vs-

1. The Industrial Tribunal
Rep. by its Presiding Officer,
High Court Buildings,
Chennai – 600 104.
2. The Management of
Sri. Venkatesa Mills,
Rep. by its Managing Director,
Palani Road,
Udumalpet – 642 128.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus call for the records of the first respondent relating to the award dated 21.07.2008 in I.D.No.53 of 2003 and quash the same insofar as it denied the statutory benefits to the workers as being illegal, arbitrary and perverse and



consequently direct the second respondent to pay the statutory benefits due to the petitioner for the days they were not provided work from 20.03.2003 to 03.05.2006.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.Prasad Vijayakumar
for Mr.S.Jayaraman for R2

ORDER

This writ petition has been filed to call for the records of the first respondent relating to the award dated 21.07.2008 in I.D.No.53 of 2003 and quash the same insofar as it denied the statutory benefits to the workers as being illegal, arbitrary and perverse and consequently direct the second respondent to pay the statutory benefits due to the petitioner for the days they were not provided work from 20.03.2003 to 03.05.2006.

2. The learned counsel for the second respondent submitted that the Mill has been closed long back and it was declared as sick on 13.09.2003 and the same was also recorded in the order dated 21.07.2008 passed by the Labour Court, Chennai. In W.P.No.1866 of 2005 which was filed by the second respondent/Mill, this Court has passed an order and the relevant portion is extracted hereunder:-

“Therefore, having regard to the settlement entered into between the parties duly signed by the petitioner and the impleaded respondent Nos.18 to 22, no further orders are necessary in this Writ Petition. The writ petition is



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disposed of in accordance with the settlement. The parties shall abide by the terms of the settlement filed before this Court. The said settlement shall form part and parcel of this Order. No costs”.

3. The learned counsel for the second respondent submitted that in view of the settlement under Section 18(1) of I.D.Act arrived between the parties, out of 536 workmen, 438 workmen have agreed to the terms of the settlement dated 14.11.2004 and the same is also recorded in the order dated 21.07.2008 passed by the Labour Court, Chennai.

4. Taking into consideration of the fact that the Mill has been declared as sick in the year 2003 and subsequent closure of the Mill, nothing survives for further adjudication.

5. In view of the above, this writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

17.03.2023

Internet : Yes
Speaking order/Non-speaking order
dpq



To

1. The Presiding Officer
Industrial Tribunal
High Court Buildings,
Chennai – 600 104.

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J.SATHYA NARAYANA PRASAD, J.

dpq

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