



WEB COPY



W.P.Nos.6970 to 6972, 15307, 15364 & 15367 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.6970 to 6972, 15307, 15364 & 15367 of 2008
M.P.No.1 of 2008 (6 Nos.) & M.P.No.2 of 2008 (4 Nos.)

W.P.No.6970 of 2008 :-

The Assistant Director/Administrator (In-charge)
M/s. Vellore District Co-operative Spinning
Mills Ltd.,
Ariyur, Vellore – 632 055

... Petitioner

-Vs-

1. A.B.Gopal

2. The Commissioner,
Handlooms and Textiles,
II Floor,
Kuralagam,
Chennai.

3. The Presiding Officer,
Labour Court,
Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records from the third respondent pertaining to the award in I.D.No.175 of 2005 dated 11.10.2007 and quash the same with cost.



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In W.P.Nos.6970 to 6972 of 2008

For Petitioner : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
For Respondents
For R1 : No appearance
For R2 : Dr.T.Seenivasan
Special Government Pleader
R3 : Court.

In W.P.Nos.15307, 15364 & 15367 of 2008

For Petitioner : Dr.T.Seenivasan
Special Government Pleader
For Respondents
For R1 : No appearance
For R2 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
R3 : Court.

COMMON ORDER

The writ petitions have been filed challenging the order dated 11.10.2007, passed by the third respondent viz., the Labour Court, Salem, in I.D.Nos.175, 198 & 199 of 2005 respectively, thereby directing the petitioner mill to reinstate the first respondent in all the writ petitions, with 20% of back wages.

2. The first respondent in all the writ petitions (herein after referred to as “the workmen”) were appointed as watchmen as temporary workers that too on sympathetic ground in the petitioner mill. They were



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paid consolidated salary of Rs.1,000/-. Further the petitioner mill was continuously incurring loss and all the activities of the mill came to a standstill from 01.12.1997. Therefore, there was a settlement between the petitioner mill and various unions representing the employees of the petitioner mill under Section 12(3) of the Industrial Dispute Act, the union acknowledged and confirmed the fact that the petitioner mill is not functioning from 01.12.1997.

3. In the mean time, by the government order in G.O.Ms.No.105 dated 23.09.2004, the properties and assets of the petitioner mill were handed over to the Assistant Director for inventory. The security of the mill's valuable, land, building and machinery could be entrusted to the Tamilnadu Ex-servicemen Corporation Ltd. Accordingly, the second respondent viz., the Commissioner, Handloom and Textiles, appointed ex-servicemen as watchmen/security guard in the petitioner mill.

4. Therefore, the workmen were denied the employment as watchmen. Hence, they raised industrial dispute before the third



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respondent viz., Labour Court, for getting reinstatement with continuity of service and back wages. The Labour Court directed the petitioner mill to reinstate the workmen with continuity of service and also awarded 20% of back wages. Aggrieved by the same the petitioner mill as well as the Commissioner, Handloom and Textiles were preferred the present writ petitions with the above said prayer.

5. Heard the learned counsel appearing on either side and perused the material placed before this Court. Though notices served, no one is appearing on behalf of the workmen.

6. It is seen that the petitioner mill and 12 other cooperative spinning mills functioning in Tamil Nadu have been declared as sick industries beyond 17.07.2003 under the Tamil Nadu Relief Undertaking (Special Provisions) Act, 1969 by the G.O.Ms.No.58 dated 07.04.2005, thereby suspending all the rights, privileges, obligations and liabilities arising thereunder before the date of declaration. Further the mill was not functioning from 1997 and remains closed. That apart, the employees of the mill left the services of the mill, accepting voluntary retirement



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scheme introduced in the settlement under Section 12(3) of the Industrial Dispute Act with all the unions taking part. Therefore, the impugned order passed by the Labour Court, cannot be sustained and liable to be set aside.

7. Accordingly, the order dated 11.10.2007, passed by the third respondent in I.D.Nos.175, 198 & 199 of 2005, is hereby set aside and all the Writ Petitions are allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

30.08.2023
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

rts

To

1. The Presiding Officer,
Labour Court,
Vellore.
2. The Commissioner,
Handlooms and Textiles,
II Floor,
Kuralagam,
Chennai.



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G.K.ILANTHIRAIYAN. J.

rts

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