



W.P.Nos.13900 of 2005 & 15712 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM:

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

W.P.Nos.13900 of 2005 & 15712 of 2009 and
WPMP.No.15213 of 2005

WP.No.13900 of 2005

The Management of Data Field
India Pvt.Ltd.,
119/1B, Mudalipalayam Road,
Arasur Post, Coimbatore 641 407

... Petitioner

Vs.

- 1.The Presiding Officer,
Labour Court, Coimbatore
- 2.Veerammal
- 3.Vijayalakshmi
- 4.Minor Kalaimathy
rep. By Mother Vijayalakshmi (3rd respondent)
- 5.S.A.Yasodha Kannan
- 6.S.S.Saravana Kumar
- 7.K.Maheswari
- 8.P.H.Abdul Kabir
- 9.S.R.Subramaniam
- 10.B.Shankar
- 11.M.Kathiravel
- 12.N.Vijaya
- 13.A.Karthikeyan
- 14.T.Nagakumar
- 15.S.Kanimoli
- 16.M.Gomathi



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17.N.Murugesan
18.A.Rajamani
19.K.Thankaraj
20.K.Devaraj
21.A.Aruchami
22.V.Senthilkumar
23.K.Sarojini
24.A.Bharathi
25.P.Sumathi
26.R.Uma
27.P.Thandapani
28.M.Rajamani
29.S.Vanitha
30.K.Jayamani
31.V.Thirumurthi
32.S.Sekar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for the records of the first respondent in ID.Nos.649 to 677 of 1999 and quash its award dated 28.10.2004.

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

For Respondents
For R1 : Court

For R2 to 32 : Mr.V.Govardhanan
for M/s.Row and Reddy

WP.No.15712 of 2009

1.Veerammal



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- 2.Vijayalakshmi
- 3.Kalaimathy
- 4.S.S.Saravana Kumar
- 5.S.Maheswari
- 6.P.H.Abdul Kabir
- 7.S.R.Subramaniam
- 8.B.Shankar
- 9.M.Kathirvel
- 10.N.Vijaya
- 11.A.Karthikeyan
- 12.P.Nagakumar
- 13.S.Kanimozhi
- 14.M.Gomathi
- 15.N.Murugesan
- 16.A.Rajamani
- 17.K.Thankaraj
- 18.K.Devaraj
- 19.A.Aruchamy
- 20.V.Senthilkumar
- 21.K.Sarojini
- 22.A.Bharathi
- 23.P.Sumathi
- 24.R.Uma
- 25.P.Thandapani
- 26.N.Rajamani
- 27.S.Vanitha
- 28.V.Jayamani
- 29.V.Thirumoorthi
- 30.S.Sekar

... Petitioners

Vs.

- 1.The Labour Court,
Coimbatore represented by its
Presiding Officer,
Coimbatore 641 018
- 2.The Management of Data Field
India Pvt.Ltd.,



W.P.Nos.13900 of 2005 & 15712 of 2009

119/1B, Mudalipalayam Road,
Arasur Post, Coimbatore 641 407

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the common award dated 28.10.2004 passed by the first respondent Labour Court, Coimbatore in ID.Nos.649 to 677 of 1999 and quash the same as being illegal and unjust and direct the second respondent to reinstate the petitioners, with continuity of service, backwages and all other attendant benefits and insofar as the legal heirs are concerned, grant all attendant benefits due to them.

For Petitioners : Mr.V.Govardhanan
for M/s.Row and Reddy

For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

COMMON ORDER

These writ petitions have been filed challenging the common award dated 28.10.2004 passed by the first respondent / Labour Court, Coimbatore in ID.Nos.649 to 677 of 1999, thereby ordered to pay compensation of Rs.20,000/- to each workman.

2. Heard, the learned counsel appearing on either side.



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3. Respondents 2 to 32 in WP.No.13900 of 2005 and the petitioners in WP.No.15712 of 2009 are workmen (hereinafter called as 'workmen'). The petitioner in WP.No.13900 of 2005 and the second respondent in WP.No.15712 of 2009 is the management (hereinafter called as 'management'). The management is an export oriented unit and engaged in manufacturing Telephone Cables and Cord Sets. The workmen were employed as trainees. They were employed in regular manufacturing activities and as such, they were treated as workmen for all purposes. In fact, the management had paid contribution towards Employees State Insurance Corporation. They engaged 135 workmen. However, the management called them as trainees. They were paid consolidated salary. Therefore, they raised Industrial Dispute with regards to wages and other service conditions through their Union. However, no amicable settlement was arrived and as such, they had given strike notice to the effect that 'go on strike from 19.08.1996'.

3.1 Thereafter, those involved in the strike were not allowed to work. They were given show cause notice on 10.09.1996 alleging



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misconduct. They were also alleged that they had indulged in illegal strike, instigated others to go on strike and prevented other officers from attending work and used abusive language. They submitted their explanation and enquiry was ordered. However, they were not allowed to appear before the enquiry officer and the enquiry was conducted without their presence. Finally, they were dismissed from service. Hence, they raised Industrial Dispute before the Labour Court. The management had admitted that the workmen were called as trainees, but they were engaged in production work. However, the Labour Court held that the termination was valid, but ordered compensation of Rs.20,000/- to each workman.

4. However, reinstatement into service does not arise and this Court is inclined to enhance the compensation amount from Rs.20,000/- to Rs.55,000/-. Accordingly, the common award dated 28.10.2004 passed by the first respondent / Labour Court, Coimbatore in ID.Nos.649 to 677 of 1999 is modified to the effect that the management shall pay a sum of Rs.55,000/- (Rupees Fifty Five Thousand only) to each workman within



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a period of twelve weeks from the date of receipt of copy of this order.

Accordingly, both the writ petitions are disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

22.09.2023

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Presiding Officer,
Labour Court, Coimbatore
- 2.The Management of Data Field
India Pvt.Ltd.,
119/1B, Mudalipalayam Road,
Arasur Post, Coimbatore 641 407
3. The Government Advocate,
High Court, Madras.

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