



WEB COPY



W.P.No.23261 of 2010 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23261, 23263,23264, 23265, 23729, 23730, 23731, 23732, 23733
and 23734 of 2010
and
M.P.Nos.1 to 1 of 2010

W.P.No. 23261 of 2010

Management of Habeeb Leather Tannery
4/6, Palamaner Road,
Kathadi Kuppam Village,
Thattaparai Post,
Gudiyatham,
Vellore,
Vellore District.

... Petitioner

Vs

1. M.Adimoolam

2. The Presiding Officer,
Labour Court,
Vellore.
Respondents

...

Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Prohibition, prohibiting the second respondent
from proceeding with C.P.No.211 of 2006 filed by the first respondent.

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For Petitioner
in all W.Ps : Mr.V.Selvaraj

For Respondents
in all W.Ps : No appearance (for R-1)

Court (R-2)

COMMON ORDER

These Writ Petitions have been filed for prohibiting the second respondent in all the Writ Petitions from proceeding with C.P.Nos.211, 215, 207, 208, 212, 205, 196, 200, 202 and 216 of 2006 filed by the first respondent in all the Writ Petitions.

2. The petitioner tannery was closed during the month of October 1995 on account of loss. 14 workmen were employed in the petitioner and they were paid their dues. Settlement was entered into between the petitioner and the first respondent in all these cases under Section 12(3) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the ID Act' for short). Thereafter, the petitioner tannery was leased to M/s.Mohamed Tanning Company during the year 1999. In fact, even thereafter, the said



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M/s.Mohamed Tanning Company and the first respondent had entered into a settlement under Section 18(1) of the ID Act. While that being so, the first respondent filed Claim Petitions under Section 33-C (2) of the ID Act before the second respondent/Labour Court, claiming dues from the petitioner. Aggrieved by the act of the first respondent, the petitioner/Management has filed these Writ Petitions before this Court, for the aforesaid relief.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. On a perusal of the claim petitions filed by the first respondent, it reveals that they claim their own leave salary and earned leave encashment and increment in their salaries. Those claims cannot be said as dues, as they are their entitlement. Those dues are disputed by the petitioner and as such, the disputed question of facts cannot be decided under Section 33-C (2) of the ID Act.

5. That apart, the claimants had entered into a settlement between



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the petitioner and also subsequently with another Company, viz., M/s.Mohamed Tanning Company. The first respondent in all these cases suppressed the same and filed the claim petitions as if there are dues to them. Therefore, the petitions filed by the first respondent under Section 33-C (2) of the ID Act, are not maintainable and the second respondent ought not to have entertained the claim petitions filed by the first respondent.

6. Despite substituted service of notice on the first respondent was effected by way of Paper Publication in the Tamil Daily, viz., Dhina Thanthi on 27.06.2023, and their names having been printed in the cause list today, none appeared on behalf of the first respondent.

7. Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel for the petitioner, these Writ Petitions are allowed and the second respondent is prohibited from proceeding with C.P.Nos.211, 215, 207, 208, 212, 205, 196, 200, 202 and 216 of 2006 filed by the first respondent in all these cases. Consequently, the connected Miscellaneous Petitions are closed. No costs.



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Index:Yes/No
Neutral Citation/Yes/No
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To

The Presiding Officer,
Labour Court,
Vellore.



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G.K.ILANTHIRAIYAN, J.

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