



W.P.No.33431 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.33431 of 2013

Sri Ramiah Spinners Ltd.,
Represented by its Managing Director,
Mr.Selvaraj,
Registered Office at No.4,
Krishnasamy Street,
Krishnapuram Colony,
Madurai -14.

... Petitioner

Vs.

- 1 The presiding officer,
Labour court,
District Court Complex,
Puducherry, Union territory of Puducherry.
- 2 S.Raman
- 3 M.Arul
- 4 S.Ramu
- 5 P.Kandeepan
- 6 N.Jegadeesan
- 7 R.Arikrishnan
- 8 N.Veerassamy
- 9 M.Seenuvasan
- 10 K.Mariappan



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11 V.Karthikeyan

12 G.Janakiraman

13 D.Azhagappan

14 S.Ezhumalai

15 A.Thiruthanivel

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for records relating to the impugned award dated 26.7.2013 in ID No.11 of 2009 passed by the 1st respondent on his file and quash the same except such portions relating to such three ID petitioners in respect of whom ID has been dismissed.

For Petitioner : Mr.J.Prakasam

For Respondents : No appearance

ORDER

This Writ Petition has been filed by the petitioner/employer, challenging the Award passed by the 1st respondent in I.D.No.11 of 2009 dated 26.07.2013 wherein some of the employees were awarded compensation of Rs.1,60,000/- and some of the employees ordered for reinstatement with back wages.

2. The petitioner is a registered company and they have set up



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textile Industry at Pondicherry. However, the company could not function due to lot of problems. Unfortunately, there was non cooperation from the workforce who had been resorting to intentional go slow tactics series of advice and the requests made by the Management went in vain. Therefore, they have declared lockout of Mills w.e.f. 28.06.2006. After a period of six months, they decided to close down the unit once for all on reasonable and genuine grounds. On the date of closure i.e., on 17.02.2007, there was 43 numbers of workers on rolls. All the workers were served with notice along with closure compensation and notice pay as required in accordance with law. Except 17 employees, all the workmen received the closure compensation and subsequently the eligible workmen were paid Gratuity as per Payment of Gratuity Act. Thereafter, 17 persons raised dispute for their non employment based on the closure report. The 1st respondent ordered reinstatement of the respondents 6, 7, 11 to 17 with back wages, service continuity and other attendant benefits. The Labour Court awarded compensation of Rs.1,60,000/- insofar the petitioners 1, 2, 3, 8 and 10.

3. Now, the petitioner has challenged the award passed insofar as



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the employees who were directed to be reinstated into service with back wages, service benefits and other benefits. Pending this Writ Petition except 5th respondent, all other respondents / claimants were set out by the petitioner by way of 18 (1) Settlement. In pursuant to the settlement, they also received their dues as agreed by them. Insofar as the 5th respondent is concerned, this Court specifically directed him to meet the Management and explore the possibility of settlement by an order dated 02.06.2023 and adjourned today.

4. Today, when the matter is called, there is no representation on behalf of the 5th respondent.

5. The learned counsel for the petitioner submitted that the 5th respondent is not willing to go for settlement.

6. Therefore this Court without going into merits of the challenge of the award, inclined to modify the award insofar as the reinstatement with back wages and continuity of service into compensation as awarded



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in favour of other employees to receive a sum of Rs.1,16,000/-. Since, the petitioner closed the factory as early as on 17.02.2007 itself, the reinstatement of the 5th respondent does not arise. Hence, the petitioner is directed to pay the compensation of Rs.1,16,000/- (Rupees One Lakh Sixteen thousand only) to the 5th respondent, within a period of four weeks from the date of receipt of a copy of this order. If the 5th respondent refused to receive the said compensation, the petitioner is directed to deposit the said sum of Rs.1,16,000/- to the credit of I.D.No.11 of 2009 on the file of the Labour Court, Pondicherry, within a period of two weeks thereafter.

7. With the above direction, this Writ Petition stands disposed of.

No costs.

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Speaking Order/Non-Speaking Order
Index: Yes/No
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G.K.ILANTHIRAIYAN,J.



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WEB COPY To

The presiding officer,
Labour court,
District court Complex,
Puducherry, Union territory of puducherry.

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