



WEB COPY



W.A.No. 671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED:24.03.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN**  
**AND**  
**THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.No.671 of 2023**  
**C.M.P.No.6711 of 2023**

The Management,  
M/s.CMR Toyotsu Aluminium India Private Limited,  
A4 & A5, SIPCOT Industrial Park,  
Pillaipakkam, Sriperumbudur,  
Kancheepuram District-602 105.

..

Appellant

-VS-

1. Mr.R.Boobalan
2. Mr.R.Sivakumar
3. Mr.E.Murugan
4. Mr.G.P.John Fernandas
5. Mr.D.Balakrishnan
6. Mr.P.Rajesh
7. Mr.M.RameshRaju
8. Mr.K.Lakshmanan
9. Mr.A.Ganesh
- 10.Mr.S.Karthick
- 11.Mr.N.Udhayakumar

..

Respondents

Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 13.12.2022 passed by this Court in W.P.No.44 of 2021.



W.A.No. 6 of 2022

For Appellant : Mr.S.Thamizharasi

\*\*\*

WEB COPY

### **J U D G M E N T**

This Writ Appeal has been preferred by the Appellant to set aside the order dated 13.12.2022 passed by this Court in W.P.No.44 of 2021, in dismissing the Writ Petition filed by the Appellant.

2. The case of the Appellant/Management is that there was a illegal strike and the Respondents/Workmen violated all the norms, in violation of the provisions of the Industrial Disputes Act, 1947 (in short 'the Act') and therefore, they were terminated from service. Being aggrieved, Workmen raised an Industrial Dispute before the Labour Court, Kancheepuram. An application was filed to reopen and recall the Management evidence in I.A.No.210 of 2019, which was allowed by the Labour Court on payment of costs of Rs.500/- to the Workmen. Challenging the said order imposing costs, the Management preferred a Writ Petition in W.P.No.945 of 2020 and the same was also dismissed vide order dated 21.01.2020. Thereafter, the Labour Court vide order dated 18.03.2020 passed an Award in I.D.Nos.599 to 609 of 2018, by setting aside the termination orders passed against the Workmen and directed the Management to reinstate all the 11 Workmen with continuity of service and full backwages.



W.A.No. 6 of 2022

3. Aggrieved over the same, the Appellant/Management preferred a Writ Petition in W.P.No.44 of 2021, which was dismissed by this Court vide order dated 13.12.2022, challenging which, the present Intra Court Appeal has been filed by the Appellant/Management.

4. The learned counsel for the Appellant/Management submitted that the Appellant/Management may be given an opportunity to put forth evidence and pleaded that the Appeal may be allowed.

5. Heard the learned counsel for the Appellant and perused the records.

6. The learned Single Judge in paragraph 7 of the order impugned in this Appeal, has made it very clear that despite several opportunities been granted to the Appellant/Management to disprove the claim of the Workmen, they did not make use of such opportunities by letting in evidence to disprove the claim of the Workmen and thus, held that the termination is arbitrary and illegal. That apart, the Management, through their counsel has admittedly made an endorsement in the Court bundle of the Labour Court proceedings that the Management's evidence may be closed and the same was also recorded by the Labour Court. The learned Single Judge further observed that



W.A.No. 6 of 2023

the Appellant's request for reopening and recalling evidence on their side was rejected by the Labour Court, which was also confirmed by this Court by an order dated 21.01.2020 passed in W.P.No.945 of 2020 filed by the Management. The said order has also attained finality, as no Writ Appeal has been filed by the Management challenging the same.

7. In such view of the matter, we find no perversity or illegality in the order passed by the learned Single Judge and the present Writ Appeal is devoid of merits.

In the result, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [R.K.M., J]  
24.03.2023

Index: Yes / No  
Internet: Yes / No  
arr

**S. VAIDYANATHAN,J.,**



WEB COPY



W.A.No. 671 of 2023

and  
**R.KALAIMATHI.,J**

arr

**W.A.No.671 of 2023**

**24.03.2023**