



WEB COPY



W.P. No. 14824 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No. 14824 of 2018
and
W.M.P. No. 17529 of 2018**

The Management,
Sri Bhavani Textiles Processors Private Limited,
Rep. by its Director – S.Jaganathan
Akkarai Kodiveri, Gopi,
Erode District – 638 454.

... Petitioner

-VS-

1. The Presiding Officer,
Industrial Tribunal,
Chennai.
2. Erode Mavatta Processing Mill Thozilalar Sangam,
15, Karuppanna Street, Erode – 638 001.
Rep. by its Secretary.
3. Periyar Thozilalar Sangam,
53, Nagaratchi Vanigha Valagam,
Opposite – Bus Stand,
Gopi – 638 476,
Erode District.
4. Kovai Periyar District Drivada Panchalai,
Thozilalar Munnerttra Sangam,
Sri. Bhavani Textiles, Akkarai Kodiveri,
Kasipalayam Post, Gobi Taluk,
Erode District.

... Respondents



W.P. No. 14824 of 2018

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the first respondent in I.D. No. 40 of 2015 and quash its award dated 09.03.2018.

For Petitioner : Mr. S.Ravindran, Senior Counsel
for M/s.S.Bazeer Ahamed

For R1 : Tribunal

For R2 to 4 : Mr. V.Ajoy Khose

ORDER

The Writ Petition has been filed against the award dated 09.03.2018 passed by the first respondent in I.D. No. 40 of 2015.

2. It is the case of the petitioner that the petitioner / Mill, which was put up in the year 1983 was taken over by the present Management in the year 2006. It is not in dispute that the Management has invested huge sum of money for modernizing the operations, especially in Effluent Treatment Plant (ETP). On account of delay in payment of wages, the respondents / Unions have issued strike notices dated 14.06.2014, 27.06.2014 and 21.07.2014, which resulted in initiation of conciliation proceedings by the Labour Officer, Erode. Even thereafter, the respondents / Unions have indulged in strike on the midnight of



W.P. No. 14824 of 2018

21.07.2014 until Third Shift of 22.07.2014. It is contended by the petitioner /

Mill that due to the strike, it had suffered loss of Rs.8,00,000/- and underwent 15 days for clearing the accumulated dead mass, which resulted in suspension of operations. In the meantime, the Tamil Nadu Pollution Control Board (hereinafter referred to as 'the TNPCB' for short) had issued an order dated 23.07.2014 claiming fine amounting to Rs.97,33,000/-. The aforesaid order has been challenged by the petitioner / Mill before the National Green Tribunal, Southern Region, Chennai in Appeal No. 68 of 2014, who in turn quashed the order dated 23.07.2014 passed by the TNPCB vide order dated 24.07.2015 with a further direction to the TNPCB to inspect the petitioner / Mill regarding the fulfillment of the requirements made by the TNPCB. Subsequently, the petitioner / Mill had ensured the requirements made by the TNPCB and submitted a representation dated 18.11.2017 requesting the TNPCB to supply limited power, who in turn had not responded to the same. Hence the petitioner was constrained to move the matter before the Hon'ble Division Bench of this Court, who in turn had directed the TNPCB to consider the representation dated 18.11.2017 submitted by the petitioner. Subsequently, power connection of 20KW effected upto 31.05.2018. On inspecting the status, the petitioner has submitted another representation dated 15.05.2018, seeking further extension of time to carry out repairs and maintenance by letter dated 15.05.2018, which is



W.P. No. 14824 of 2018

yet to be considered by the TNPCB. The respondents / Unions raised an Industrial Dispute in I.D. No. 40 of 2015 before the first respondent under the ID Act. However, the said petition was allowed on the ground that the members of the union are entitled to get wages from 21.07.2014 to 30.07.2014. Challenging the said award, the Management has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that during pendency of the writ petition, there was a settlement between the petitioner management and the workmen union under Section 18(1) of the ID Act on 30.09.2019. As per the settlement, the individual workman has received entire benefits. In view of the above, this Court may set aside the award passed by the Labour Court and to grant liberty to the petitioner to withdraw the conditional amount deposited before the Labour Court.

4. The learned counsel for the respondent Union did not dispute the fact submitted by the learned counsel for the petitioner.

5. In view of the concerned view expressed by the learned counsel for either side, this Court is inclined to set aside the impugned award passed by the



W.P. No. 14824 of 2018

Labour Court and according the same is set aside. Further, the petitioner Management is directed to settle the benefits in terms of the settlement dated 30.09.2019, if not already granted, to the individual workman within a period of four weeks from the date of receipt of a copy of this order. Liberty is granted to the petitioner to withdraw the amount deposited by them pursuant to the order passed by this Court.

6. With the above observation and direction, the writ petition is allowed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

12.09.2023

Rli

Index: Yes/No

NCS : Yes/No

To

The Presiding Officer,
Industrial Tribunal,
Chennai.



WEB COPY



W.P. No. 14824 of 2018

M.DHANDAPANI, J.

Rli

W.P. No. 14824 of 2018

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