



W.P. Nos.41219 to 41223 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.41219 to 41223 of 2016

and

W.M.P. Nos.35182 to 3586 of 2016

W.P. No.41219 of 2016:-

The Managing Director
M/s.Inkor Autotech India (P) Ltd.
S.Nos. 71/2B, 3B, 4B
NH-4, Chennai-Bangalore Highway
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Petitioner

-VS-

1. The Presiding Officer
II Additional Labour Court
Chennai-600104.

2. M.Siva

3. The Managing Director
M/s.Hyundai Motor India Ltd.
Plot No.H-1, SIPCOT Industrial Park
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records culminated in the first respondent impugned order dated 22.07.2016 made in I.D.No.155 of 2008 and quash the same, and consequently, remand back in



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I.D.No.155 of 2008 to the first respondent Labour Court for De-novo adjudication and passing fresh order.

W.P. No.41220 of 2016:-

The Managing Director
M/s.Inkor Autotech India (P) Ltd.
S.Nos. 71/2B, 3B, 4B
NH-4, Chennai-Bangalore Highway
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Petitioner

-VS-

1. The Presiding Officer
II Additional Labour Court
Chennai-600104.

2. K.N.Ravi

3. The Managing Director
M/s.Hyundai Motor India Ltd.
Plot No.H-1, SIPCOT Industrial Park
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records culminated in the first respondent impugned order dated 22.07.2016 made in I.D.No.156 of 2008 and quash the same, and consequently, remand back I.D.No.156 of 2008 to the first respondent Labour Court for De-novo adjudication and passing fresh order.



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W.P. No.41221 of 2016:-

The Managing Director
M/s.Inkor Autotech India (P) Ltd.
S.Nos. 71/2B, 3B, 4B
NH-4, Chennai-Bangalore Highway
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Petitioner

-VS-

1. The Presiding Officer
II Additional Labour Court
Chennai-600104.

2. M.A.Basha

3. The Managing Director
M/s.Hyundai Motor India Ltd.
Plot No.H-1, SIPCOT Industrial Park
Irrungattukottai, Sriperumbudur Taluk
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records culminated in the first respondent impugned order dated 22.07.2016 made in I.D.No.158 of 2008 and quash the same, and consequently, remand back I.D.No.158 of 2008 to the first respondent Labour Court for De-novo adjudication and passing fresh order.

W.P. No.41222 of 2016:-

The Managing Director
M/s.Inkor Autotech India (P) Ltd.
S.Nos. 71/2B, 3B, 4B
NH-4, Chennai-Bangalore Highway
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Petitioner



W.P. Nos.41219 to 41223 of 2016

-VS-

1. The Presiding Officer
II Additional Labour Court
Chennai-600104.

2. V.Babu

3. The Managing Director
M/s.Hyundai Motor India Ltd.
Plot No.H-1, SIPCOT Industrial Park
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records culminated in the first respondent impugned order dated 22.07.2016 made in I.D.No.159 of 2008 and quash the same, and consequently, remand back I.D.No.159 of 2008 to the first respondent Labour Court for De-novo adjudication and passing fresh order.

W.P. No.41223 of 2016:-

The Managing Director
M/s.Inkor Autotech India (P) Ltd.
S.Nos. 71/2B, 3B, 4B
NH-4, Chennai-Bangalore Highway
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Petitioner

-VS-

1. The Presiding Officer
II Additional Labour Court
Chennai-600104.



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2. K.Kuppusamy

3. The Managing Director
M/s.Hyundai Motor India Ltd.
Plot No.H-1, SIPCOT Industrial Park
Irrungattukottai
Sriperumbudur Taluk
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records culminated in the first respondent impugned order dated 22.07.2016 made in I.D.No.340 of 2009 and quash the same, and consequently, remand back I.D.No.340 of 2009 to the first respondent Labour Court for De-novo adjudication and passing fresh order.

For Petitioners : Mr.S.Mohan (In all Wps)

For Respondents : R1-Court (In all Wps)
Mr.AR.L.Sundaresan, Senior Counsel
for Mr.R.Jayaprakash (R3) (In all Wps)
Mrs.G.P.Arivuchuder
for M/s.Law Square (R2)

COMMON ORDER

Since the issue involved in all the cases are one and the same, the same are disposed of by way of this common order.

2. Challenging the impugned order dated 22.07.2016 on the file of the first respondent, the Petitioner Management has filed these batch of writ petitions.



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WEB COP 3. It is the case of the petitioner that the second respondent and some other workmen were engaged during 2002/2004 through the sub-contractor. Subsequently, the said workmen were terminated from service on completion of contractor. The second respondent approached the conciliation office and the said was ended in failure. The second respondent raised Industrial Disputes before the first respondent and the same was disposed of and directed the petitioner to pay 50% of the back wages and reinstatement. Challenging the said orders, the present writ petitions have been filed.

4. The learned counsel for the third respondent, on instructions, submitted that the third respondent is agreed to pay a sum of Rs.3,00,000/- to the second respondent in all the writ petitions.

5. The learned counsel for the second respondent submitted that the second respondent/workmen are ready to receive a sum of Rs.3,00,000/- from the third respondent and this Court may issue a direction to the third respondent to pay such amount as full quit to the respective workmen within the stipulated time as fixed by this Court.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the facts and circumstances of the case and in view of the consent view expressed by the parties, this Court passes the following order:

"This Court directs the third respondent to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to each workmen/second respondent as full quit within a period of four weeks from the date of receipt of a copy of this order."

The present arrangement is not applicable to the other cases and the same shall be decided in the manner known to law. However, liberty is granted to the 3rd respondent to recover the amount from the petitioner, if he is entitled to.

8. With the above directions, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

08.08.2023

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Index: Yes/No

NCS : Yes/No



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M.DHANDAPANI, J.

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To

1. The Presiding Officer
II Additional Labour Court
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2. The Managing Director
M/s.Hyundai Motor India Ltd.
Plot No.H-1, SIPCOT Industrial Park
Irrungattukottai
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