



W.P. No. 24615 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 16.03.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No. 24615 of 2014]
and M.P.Nos.1 of 2014& 1 of 2015**

The Management

Kailash Leather Exports,

No.122A/7 MBT Road,

Ranipet 632 401

... Petitioner

Vs.

1. The Presiding Officer

Principal Labour Court,

Vellore and District

2. A. Subramani

3. The Management

Kailash Leathers,

No.122A/7 MBT Road,

Ranipet 632 401

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the 1st respondent in I.A. No.9/2014 in C.P. No.243/2013 dt 28.1.2014 and C.P. No.243/2013 dt 16.7.2014 and quash the same.

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For Petitioner : Mrs. D. Veda for
Mr. Mohammed Farook
For Respondents : R1- Court
R2 R3 – NE.Srinivasan

ORDER

Challenging the impugned orders dated 28.01.2014 and 16.07.2014, the petitioner Management has filed the present Writ Petition.

2.It is the case of the 2nd respondent that while he was working in the petitioner's erstwhile Management – Kailash Leathers, the 3rd respondent herein, illegally terminated from service on 15.06.1997. Therefore, he raised an industrial dispute in I.D.No.47 of 1999 and the same was ordered in favour of him, directing the petitioner's erstwhile Management/3rd respondent to reinstate him, with continuity of service and full back wages within 2 months.

3.Since the award of the Labour Court has not been complied with, the 2nd respondent preferred a computation petition in C.P.No.243 of 2013

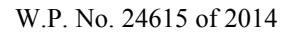


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and the same also ordered in favour of the 2nd respondent, vide the order dated 17.07.2014. In the meantime, the 3rd respondent Management's name was changed as Kailash Leather Exports, the petitioner herein. Therefore, the 2nd respondent has filed an I.A.No.9 of 2014 and the same was also allowed, in favour of the 2nd respondent.

4. Aggrieved against the above said orders, the petitioner Management has filed the present Writ Petition.

5. The learned counsel appearing for the petitioner would submit that the concern Kailash Leathers and Kailash Leather Exports are two different entities and the person managing the concern also different. The 2nd respondent instead of proceeding against the Kailash Leathers, the 3rd respondent has falsely filed the Industrial Dispute and the subsequent Computation petition against the Kailash Leather Exports. The concern by name Kailash Leathers have been closed and the management had left and



6. The learned counsel for the 2nd respondent would submit that the Kailash Leathers and Kailash Leather Exports are one and the same and the name of Kailash Leathers has been changed as Kailash Leather Exports, in order to evade the legal proceedings, initiated by the 2nd respondent. Just by playing in name change game, the petitioner Management cannot be allowed to defeat the interest of the petitioner. Though the name of the petitioner Management's concern is new, it is still housed in the same premises, where Kailash Leathers was in existence.

8. Admittedly, both the concerns were started doing the business in the address. Since, the petitioner Management is conducting the business



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in the same premises, it is incumbent upon them to prove that the concern by name Kailash Leathers have been closed and the petitioner had taken possession of the premises as a new entity. Without producing any documents to show that the Kailash Leathers have been closed, the petitioner cannot evade from the proceedings in connection with I.D.No.49 of 1999. Thus, the Court below has rightly allowed the impugned orders, challenged in this Writ Petition, in favour of the 2nd respondent, which does not warrant interference at the hands of this Court.

9.In the result, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

16.03.2023

Index: Yes/No
Neutral citation: Yes/No
Speaking Order: Yes/No
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J.NISHA BANU, J.,

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To

The Presiding Officer,
Principal Labour Court, Vellore and District,

W.P. No. 24615 of 2014
and M.P.Nos.1 of 2014& 1 of 2015