



W.P.No.23584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

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- 1.P.Viswanathan
- 2.S.Balasubramanian
- 3.C.Kaveri
- 4.P.Murugan
- 5.K.Venkatachalam
- 6.P.Madhaiyan
- 7.M.Koundappan
- 8.A.Shanmugam
- 9.A.Koundappan
- 10.M.Subramanian
- 11.G.Perumal

M.P.Venkatachalam (Died)

- 12.V.Sivagami
- 13.M.Sekaran
- 14.K.Anbu Ganapathy
- 15.S.Vadivel
- 16.G.Jayakumar
- 17.P.Chandrasekaran

... Petitioners

Vs.

- 1.M/s.Travancore Chemicals Pvt. Ltd.,
Rep. by its Managing Director,
Gonur Post, Mettur Dam – 4.



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2.The Managing Director,
M/s.Travancore Chemicals Pvt. Ltd.,
Palari Vattam, Cochin,
Kerala – 687 025.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the award dated 28.11.2016 made in I.D.No.55 of 2013 on the file of Labour Court, Salem and to quash the same in respect of the petitioner's concern and consequently, direct the respondents to reinstate the petitioners in service with back wages and other monetary emoluments.

For Petitioners : Mr.C.Prabakaran

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the award dated 28.11.2016 made in I.D.No.55 of 2013 on the file of Labour Court, Salem and to quash the same in respect of the petitioner's concern and consequently, direct the respondents to reinstate the petitioners in service with back wages and other monetary emoluments.

2. Since no adverse order is passed against the respondents, notice to



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the respondents is dispensed with.

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3. The case of the petitioners is that, they worked under the first respondent industry as permanent workers and they were put on service more than 25 years. From 06.10.2010, in the first respondent industry, they petitioners were not permitted to work and closed the industry illegally without any valid reason. In this regard, a resolution was passed in the General Body Meeting with the Tranvancore Chemicals General Workers Association on 02.08.2011 and decided to raise Industrial Dispute under Section 2(K) of the Industrial Disputes Act, 1947 (in short 'the I.D. Act') claiming all the monetary benefits, namely arrears of salary, provident fund, gratuity and insurance and other benefits and failure report was passed by the Inspector of Labour, Salem as the respondents company failed to appear before the conciliation officer. In the meantime, a computation petition in C.P.No.537 of 2005 was filed by some of the workers of Labour Union seeking to grant of Bonus and Leave Salary, Medical Insurance, P.F. and Gratuity. Due to which, the management have terminated the petitioners with effect from 16.11.2010 and passed an order of the lock down of the industry. Thereafter, the petitioners along with



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other workers have filed I.D.No.55 of 2013 seeking reinstatement of service with all monetary benefits with back wages before the Labour Court, Salem on 13.07.2013. Without considering the legitimate claim of the petitioners and other workers, the Labour Court, Salem dismissed the dispute raised by them vide award dated 28.11.2016. Challenging the same, the petitioners have filed the above writ petition before this Court.

4. The learned counsel for the petitioner submits that, the Labour Court had rejected the dispute raised by the petitioners on the ground that, already the BIFR declared the first respondent industry as sick industry and the first respondent industry was closed, which is not sustainable. Accordingly, he prays for allowing the writ petition.

5. Heard the learned counsel for the petitioners and perused the materials available on record.

6. Admittedly, the petitioners have raised dispute before the Labour Court in the year 2013. However, it is evident from the records that, the petitioners themselves have admitted that, the first respondent industry



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was closed from 06.10.2010 onwards, which is prior to raising of dispute before the Labour Court and it is also an undisputed fact that, the BIFR declared the first respondent industry as a sick industry. In such circumstances, the petitioners, without challenging the said proceedings of the BIFR in the manner known to law, raising dispute before the Labour Court for reinstatement and backwages as against the closed industry is not sustainable and the same is misconceived. The said issue was rightly adjudicated by the Labour Court and rejected the dispute raised by the petitioners by way of the present impugned order, which cannot be interfered with, since the same does not suffer any perversity. Hence, the prayer sought for by the petitioners cannot be acceded to and the writ petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

The Labour Court, Salem.

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in
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This miscellaneous petition filed seeking to permit the petitioners to file a single writ petition jointly and to prosecute the same, is ordered as prayed for.

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