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WP.Nos.22330, 22331 & 23726
to 23728 of 2017 & 20642 of
2018

In the High Court of Judicature at Madras

Dated : 10.8.2023

Coram :

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition Nos.22330, 22331 & 23726
to 23728 of 2017 & 20642 of 2018

G.Mariammal

...Petitioner in
WP.No.22330 of
2017

N.Devaki

...Petitioner in
WP.No.22331 of
2017

M.Thamilarasan

...Petitioner in
WP.No.23726 of
2017

P.Kumaravel

...Petitioner in
WP.No.23727 of
2017

K.Radhakrishnan

...Petitioner in
WP.No.23728 of
2017

Vennila

...Petitioner in
WP.No.20642 of
2018



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*WP.Nos.22330, 22331 & 23726
to 23728 of 2017 & 20642 of
2018*

Vs

1.The Presiding Officer,
Labour Court, Salem.

...R1 in WP.Nos.
22330, 22331 &
23726 to 23728
of 2017

2.The Management, Southern
Spinners & Process Private
Ltd., Kumarakottam,
Pattukonampatti,
Pappireddypatti Circle,
Dharmapuri District.

...R2 in WP.Nos.
22330, 22331 &
23726 to 23728
of 2017 & Sole
Respondent in
WP.No.20642 of
2018

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for the records in respect of the impugned awards respectively in I.D.Nos.312 & 315 of 2005, 91 of 2006, 33 of 2008 and 90 of 2006, all dated 27.9.2016 passed by the 1st respondent, subsequently notified by proceedings (i) R.C.No.A/243/2017 dated 02.5.2017 (WP.Nos.22330 and 22331 of 2017), (ii) R.C.No.A/326/2017 dated 15.6.2017 (WP. Nos.23726 to 23728 of 2017), quash the same and reinstate the petitioners in service with all back



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wages and monetary and other benefits (WP.Nos.22330, 22331 & 23726 to 23728 of 2017); and

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in respect of the impugned award in I.D.No.310 of 2005 dated 27.9.2016 passed by the Labour Court, Salem, subsequently notified by proceeding in R.C.No.A/243/2017 dated 02.5.2017, quash the same and reinstate the petitioner in service with all back wages and monetary and other benefits (WP.No.20642 of 2018).

For respective Petitioner
in all the WPs : Mr.R.Ravanan for
Mr.P.Wesley Isaac

For Management/Respondent-2 in
WP.Nos.22330, 22331 &
23726 to 23728 of 2017 &
Respondent in WP.No.20642
of 2018 : Mr.M.R.Raghavan

COMMON ORDER

These petitions are filed by the petitioners seeking to quash the awards dated 27.9.2016 passed by the Labour Court, Salem respectively in I.D.Nos.312 & 315 of 2005, 91 of 2006, 33 of 2008, 90 of 2006 and 310 of 2005 and the consequential notifications and to reinstate the petitioners into



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service with back wages and monetary and other benefits.

2. The facts leading to filing of these cases are as follows :

(i) The petitioners are either workmen or legal heir of the workman employed in the second respondent - management. The workmen were removed from the services of the second respondent. The conciliation also ended in failure. Therefore, the workmen raised individual industrial disputes before the first respondent. However, by the impugned orders, the industrial disputes were dismissed by the first respondent and they were all notified vide two separate proceedings. Challenging the same, the petitioners are before this Court.

3. The learned counsel for the petitioners submits that the petitioners, while applying for provident fund loan towards family medical expenses, the workmen were constrained to sign certain blank papers, which were used by the management to show that the workmen themselves resigned the job. However, without considering the said facts, the Labour Court



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dismissed the claim made by the petitioners which is *per se* unsustainable.

Hence, he prayed for passing appropriate orders.

4. The learned counsel for the management submits that though the petitioners have voluntarily resigned their work on various grounds and received all their statutory benefits, they have not adduced any documents before the Labour Court in order to prove that they were constrained to sign blank papers, which were used by the management to show that the workmen themselves resigned their job. Hence, the impugned Award passed by the Labour Court needs no interference of this Court and these writ petitions are liable to be dismissed.

5. Heard the learned counsel appearing on behalf of the petitioners and the learned counsel appearing for the management.

6. Admittedly, the management paid all the terminal benefits in favour of the petitioners and the same was also observed by the Labour



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Court. As rightly pointed out by the learned counsel for the management that the petitioners failed to prove before the Labour Court that they were forced to sign the blank papers, which were used by the management to show that the workmen voluntarily resigned their job. In the absence of any such proof, the claim made by the petitioners is wholly unsustainable. Upon appreciating the oral and documentary evidences, the Labour Court has dismissed the claim made by the petitioners, which cannot be interfered with.

7. With the above observation, these writ petitions are dismissed. No costs.

10.8.2023

Index : Yes (or) No
Neutral Citation : Yes (or) No
Speaking Order : Yes (or) No

To
The Presiding Officer,
Labour Court, Salem.

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M.DHANDAPANI,J

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