



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY****W.P. (MD)No.21065 of 2014**

1. S.Joseph Anandh
2. S.Nagaraj
3. K. Santhiyagu
4. P. Perumal
5. C.Arumugam
6. M. Marimuthu
7. A. Lakshmanan
8. V. Kamaraj
9. D. Murugesan
10. G. Rajasekar

... Petitioners

Vs.

- 1.The Presiding Officer,
Labour Court,
Trichy.
2. The Management,
Vijayashree Spinning Mills (P) Limited,
Unit II, Karur Road,
Dindigul.
3. The Management,
Soundarraja Mills (P) Limited,
Karur Road,
Dindigul.
4. The Management,
Martin Spinning Mills (P) Limited,
Unit IV, G.T.N. Nagar,
Karur Road,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of **Writ of Direction**, to call for the records relating to preliminary award dated 15.02.2013 in I.D.Nos.116 to 125 of 2001 on the final award dated 26.04.2013 in I.D.Nos.116 to 125 of 2001 on the file of the Presiding Officer, Labour Court at Trichy and consequently direct the respondents to reinstate the petitioners with continuity of service and also order of back wages and also with attended benefits.



WEB COPY

For Petitioners : Mr.G. Aravinthan

R-1 : Labour Court

For R-4 : Mr.C.Susi Kumar

ORDER

This writ petition is filed challenging the I.D. order, dated 26.04.2003.

2. The petitioners were employee under the 2nd respondent management. The 2nd respondent, subsequently, sold the Mill to the 3rd respondent. When the petitioners were working in the 3rd respondent Mill, the allegation against the petitioners is that they have attacked the Personnel Manager Mr.Bala Gurunathan. Therefore, the 2nd respondent Mill has initiated action against the petitioners and they were dismissed from service by the 2nd respondent. In the meanwhile, the 3rd respondent has purchased the said Mill, but subsequently the 3rd respondent has sold the Mill to the 4th respondent/Martin Spinning Mills Private Limited.

3. Since the Mill was sold, the petitioners have expressed before the Labour Court that they are not inclined to work under the 4th respondent. Therefore, the Court has declined to reinstate them and in lieu thereof the Management was directed to pay one month salary and 15 days salary for each completed calendar year of service of each individual workmen / petitioners, for the period from the date of dismissal to the date of the order. Aggrieved over the same, the petitioners / employees are before this Court.

4. When the petitioners had chosen not to work under the 4th respondent management, the Labour Court has absolutely right in declining the reinstatement and granting compensation in lieu of the same. However, the learned counsel appearing for the petitioners submitted the amount fixed by the Labour Court is very meagre. Therefore, this Court is inclined to increase the compensation amount.

5. Therefore, the award passed by the Labour court is hereby confirmed only with the slight modification. The respondents shall pay **(*)additionally a sum of Rs,50,000/- (Rupees fifty Thousand only) to each petitioner.**

6. The learned counsel appearing for the 4th respondent submitted that the 2nd and 3rd respondents are in existence and prayed to pay and recover from them. Therefore the 4th respondent is at liberty to file an execution petition in order to recover from



the 2nd and 3rd respondents. However, the issue of liability is left open and all the concerned and contesting parties shall raise their objections and also at liberty to submit evidence to the effect.

7. With the above said direction and observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

(*)Corrected as per the order of the court dated 02.06.2023

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

ksa

(*)To be substituted the order already despatched on 22.05.2023

To

The Presiding Officer,
Labour Court,
Trichy.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-12270[F] dated 02/03/2023)

W.P. (MD)No. 21065 of 2014
02.03.2023

KB(17.05.2023) 3P 3C

KB(13.06.2023) 3P 3C