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W.P.No. 13630 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 13630 of 2009

and

M.P.No.1 of 2009

The Chairman and Managing Director,
The Tamilnadu Industrial Investment Corporation Limited,
No. 692, Anna Salai, Nandanam,
Chennai - 600 035.

... Petitioner

Vs

1. T.D. Ramalingam
2. M/s. Durga Lodge Private Limited,
No. 5, Subbammal St, Ambattur,
Chennai - 53.
3. The Presiding Officer,
II Additional Labour Court, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records pertaining to the order dated 29.05.2008 made in I.D.No.674 of 2003 on the file of third respondent, quash the same.



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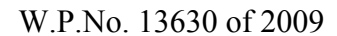
For Petitioner : Mr.K.V.Sundararajan
For R1 : No Appearance
(Mr.V.Deenadayalan)
For R2 : No appearance
For R3 : Labour Court

ORDER

This writ petition is filed challenging the award of the Labour Court dated 29.05.2008 made in I.D.No. 674 of 2003.

2. The brief facts leading to filing of this writ petition are that the first respondent is a workman under the second respondent management. The second respondent management was granted loan by the Tamilnadu Industrial Investment Corporation Limited which is the writ petitioner herein.

3. At the relevant point of time, when the workman raised an Industrial Dispute, this writ petitioner namely the Tamilnadu Industrial Investment Corporation Limited, was also taking steps as against the assets of the second



4. It can be seen that the notice sent to the second respondent has been unclaimed and as such, the second respondent is treated as served. The second respondent has appeared on behalf of the workman also. It can be seen that when it is the claim of the workman that he is an employee under the second respondent Management, merely because the steps have been taken as against the assets of the second respondent Management under the State Financial Corporation Act, 1951 the petitioner corporation cannot be made liable for the compensation amount. Therefore, the limited prayer made on behalf of the petitioner corporation is meritorious.



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5. In view thereof, this writ petition is allowed on the following terms:-

(i) The award of the Labour Court made in I.D.No. 674 of 2003 dated 29.05.2008 is modified inasmuch as it states that the said sum of Rs. 40,000/- payable to the first respondent workman shall be jointly and severally paid by the second respondent management as well as the petitioner corporation, to the effect that, the said sum of Rs. 40,000/- is payable only by the second respondent Management.

(ii) No costs. Consequently, connected miscellaneous petition is closed.

04.12.2024

Neutral Citation: Yes/No
nsl

To

1. The Chairman and Managing Director,
The Tamilnadu Industrial Investment Corporation Limited,
No. 692, Anna Salai, Nandanam,
Chennai - 600 035.

2. The Presiding Officer,
II Additional Labour Court, Chennai.

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D.BHARATHA CHAKRAVARTHY, J.

nsI

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