



WEB COPY



W.P.No. 41897 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2024

CORAM:

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

W.P.No. 41897 of 2006

and

W.M.P.No. 1 of 2006

Management,
Government Silk Farm Rep. By its
Assistant Director, Salem.

... Petitioner

Vs

1. M.Ramasamy
2. A. Antony Ammal
3. Rukumani
4. The Presiding Officer,
Labour Court, Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the fourth respondent relating to award dated 22.02.2005 made in I.D.No. 3 of 1998 and quash the same.

For Petitioner

: Mr.K.Surendran
Additional Government Pleader

For R1 to R3
For R4

: Mr.K.M.Ramesh
: Labour Court



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3. Mr.K.Surendran, the learned Additional Government Pleader appearing for the petitioner management would submit that the said award is liable to be quashed inasmuch as the petitioner management is a department of the Government and does not involve in any commercial activity. The learned Special Government Pleader appearing for the petitioner management would draw the attention of this Court to G.O.Ms.No.393, dated 14.03.1980 which mentions that the farm is non commercial. Since the farm is a non commercial arm of the Government, the Labour Court ought to have held that the provisions of the Industrial Disputes Act would not be applicable.

4. Per contra, Mr. K.M.Ramesh, learned counsel appearing on behalf of the workmen would submit that the matter is no longer res-integra and has since been decided by this Court in W.P.No. 10868 and 10921 of 1998.

5. I have considered the rival submissions made on either side and perused the material records of this case.



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6. The only contention which is raised before the Court is that the Sericulture Farm, being a non-commercial arm of the Government, would not be an industrial establishment within the meaning of the Industrial Disputes Act. In this regard, it can be seen that by a judgement dated 10.06.2008 in W.P.No. 10868 of 1998, this Court speaking through the Hon'ble Mr. Justice K.Chandru had already decided that the said establishment comes within the provisions of the Industrial Disputes Act. In the said judgement itself, the earlier orders of this Court were referred to by the learned judge, and the matter was decided. In view thereof, the plea which is raised by the petitioner management is no longer res-integra.

7. Accordingly, the writ petition is without any merits and as such is dismissed. The amount ordered by the Labour Court is due, the same shall be paid within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

02.12.2024

Neutral Citation: Yes/No
nsl



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W.P.No. 41897 of 2006

D.BHARATHA CHAKRAVARTHY, J.

nsI

To
1.The Assistant Director,
Management,
Government Silk Farm, Salem.

2. The Presiding Officer,
Labour Court, Salem.

W.P.No. 41897 of 2006

02.12.2024