



W.P.Nos. 23413 of 2005, 5701 & 29360 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2024

CORAM:

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

W.P.Nos. 23413 of 2005, 5701 & 29360 of 2006

W.P.No. 23413 of 2005

1. I. Palanisamy
2. R.Ramakrishnan
3. N. Duraisamy
4. N.Ravichandran
5. K.Murugavel
6. N. Ashok
7. D. Raman
8. S.Ganesan
9. P. Balakrishnan
10. P. Mahalingam
11. A. Vijayan
12. D. Prabhu
13. K.R.Nagendran
14. N.Vijayakumar
15. A. Arumugam
16. M. Nagarajan
17. P. Sivakumar
18. S. Ramachandran
19. S. Sakthivel
20. R. Selvaraj
21. C. Rangaraj
22. P. Damodharasamy
23. N. Ravichandran
24. V. Senthilkumar
25. N. Devaraj



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26. R. Kanagaraj
27. G. Mathiazhagan
28. D. Balasubramanian
29. G.Rajendran
30. M. Kalisamy
31. K. Sivaprakasan
32. V. Kannan
33. D. Rajendran
34. A. Arulmanicka Raj
35. R. Kalyanasundaram
36. V. Appuraj
37. S. Kumara Vadivel
38. M. Gunasekaran
39. R. Aarusamy
40. R. Ramesh Babu
41. A. Kulasekaran
42. B. Mahadevan
43. A. Marudachalam
44. A. Edward Louis
45. P. Vadivelu
46. M. Pounraj
47. G. Kuzhandaivelu
48. S. Rajamani
49. R. Mohanraj
50. P. Pannerselvam
51. A. Marimuthu
52. N. Padmanabhan
53. N. Sampathkumar
54. G. Jayachandran
55. R. Srinivasan
56. V. Ramasamy
57. F. Anthony Raj
58. V. Sri Kumaran
59. M. Sakthivel
60. G. Jayapal
61. P. Narayanaswamy
62. P. Ramachandran



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63. R. Arumuvam
64. V. Appasamy
65. M. Ramachandran
66. K. Palanisamy
67. M. Boopathy
68. N. Paneerselvam
69. D. Rajendran
70. R. Balasubramaniam
71. T. Pandarinathan
72. R. Shanmugasundaram
73. K. Rangaraj
74. R. Vijayan

...Petitioners

Vs.

1. The Commissioner of Labour,
Teynampet, Madras – 6.
2. The Assistant Commissioner of Labour,
Constituted under the Industrial Disputes Act,
Conciliation 3,
Balasundaram Road, Coimbatore -18.
3. The Management
Textool Company Limited,
Machinery Division,
Coimbatore – 641 006.
4. The Management
Lakshmi Machine Works,
Periyanayakampalayam,
Coimbatore – 20.
5. The Presiding Officer,
Labour Court, Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file



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of the fifth respondent in C.P.No. 540 to 549 of 2003, 551 to 553, 555 to 563, 565, 566 of 2003, 568 to 574 of 2003, 601, 602 of 2003, 604 to 618 of 2003, 620 to 623 of 2003, 626 to 645 of 2003, 662 and 663 of 2003 dated 14.03.2005 and quash the same as illegal, incompetent and grossly irregular and further direct the said respondent to dispose of the case in accordance with the provisions of Industrial Disputes Act, 1947.

For Petitioners : No appearance

For R1 & R2 : Mr.K.Surendran
Additional Government Pleader

For R3 : Not ready in notice

For R4 : Mr. R.Jayaprakash
for M/s.S.Ramasubramaniam Associates

For R5 : Labour Court

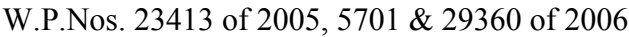
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1. I. Palanisamy
2. P.Balakrishnan
3. N. Ashok
4. K.Sivaprakasam
5. M.Sakthivel
6. P.Magendran
7. D. Raman
8. D.Balasubramaniam
9. M.Gunasekaran
10. R.Selvaraj



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11. R.Mohanraj
12. S.Ramachandran
13. G.Madhiazhagan
14. G.Rameshbabu
15. M.Nagarajan
16. R.Balasubramaniam
17. M. Kalisami
18. P. Narayanasamy
19. K.Murugavel
20. S.Ganesan
21. V. Appasamy
22. N.Duraisamy
23. G.Rajendran
24. S.Rajamani
25. N.Devarajan
26. A.Arumugam
27. R. Arumugam
28. P.Vadivel
29. K.R.Nagendran
30. U.Srikumaran
31. R.Ramakrishnan
32. M.Ramachandran
33. A.Kulasekaran
34. G.Jayachandran
35. V.Senthilkumar
36. R.Kanagaraj
37. C.Rangaraj
38. P.Sivakumar
39. N.Vijayakumar
40. P.Dhamodharasamy
41. D.Prabu
42. S.Kumaravadivel
43. R. Vijayan
44. T.Pandarinathan
45. M.Pounraj
46. S.Padmanaban
47. V.Ramasamy



- All of them are working at
South India Workers Association,
No. 23-A, 8th Street, Ganesh Layout,
Ganapathy Post, Coimbatore – 641 006.

..Petitioners

Vs.

1. The Commissioner of Labour,
Teynampet, Madras – 6.
2. The Assistant Commissioner of Labour,
Constituted under the Industrial Disputes Act,
Conciliation 3,
Balasundaram Road, Coimbatore -18.
3. The Management
Textool Company Limited,
Machinery Division,
Coimbatore – 641 006.



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4. The Management
Lakshmi Machine Works,
Periyanaayakampalayam,
Coimbatore – 20.

5. The Presiding Officer,
Labour Court, Coimbatore

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the fifth respondent in C.P.No. 928 to 931 of 2002, 933, 934, 937 to 940 of 2002, 942, 946, 948, 953 to 957/02, 959 to 965/02, 967/02 to 971/02, 973 to 979/02, 981/02, 1051, 1052, 1055, 1056/02, 1061, 1063 of 2002, 1072, 1074, 1075, 1079, 1080/2002, 1083/02 to 1085/02, 1087, 1088/02, 1091 to 1095/02, 1097, 1100, 1101, 1104 and 1106/02 dated 14.03.2005 and quash the same as illegal, incompetent and grossly irregular and further direct the said respondent to dispose of the case in accordance with the provisions of Industrial Disputes Act, 1947.

For Petitioners : No appearance

For R1 & R2 : Mr.K.Surendran
Additional Government Pleader

For R3 : Dismissed Vide Court Order dated 30.09.2011

For R4 : Mr. R.Jayaprakash
for M/s.S.Ramasubramaniam Associates

For R5 : Labour Court



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The Management,
M/s. Lakshmi Machine Works Limited,
Perianaickenpalayam,
Coimbatore – 641 020.
Rep. By its Company Secretary.

... Petitioner

Vs

1. The Presiding Officer,
Labour Court, Coimbatore.

2. R.Ramakrishnan
3. D. Doraisamy
4. N.Ravichandran
5. K.Murugavel
6. N. Ashok
7. D. Raman
8. S.Ganesan
9. I. Palanisamy
10. B. Balakrishnan
11. B. Mahalingam
12. R. Sadasivam
13. A. Vijayan
14. D. Prabhu
15. R.Nagendiran
16. G. Kaliyamoorthy
17. A. Arumugam
18. M. Nagarajan
19. P. Sivakumar
20. S. Ramachandran
21. N. Sakthivel
22. R. Selvaraj
23. C. Rangaraj
24. P. Damodharasamy
25. N. Ravichandran



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26. V. Senthilkumar
27. N. Devaraj
28. C. Subramani
29. R. Kanagaraj
30. G. Mathialagan
31. D. Balasubramanian
32. G. Rajendran
33. M. Kalichamy
34. N. Vijayakumaran
35. K. Sivaprakasam
36. V. Kannan
37. G. Rajendran
38. K. Murugesan
39. A. Arulmanikaraj
40. R. Kalyanasundaram
41. V. Appuraj
42. S. Kumaranadivel
43. M. Gunasekaran
44. R. Aruchamy
45. G. Ramesh Babu
46. A. Kulasekaran
47. B. Mahadevan
48. A. Marudachalam
49. A. Edward Louis
50. B. Vadivelu
51. M. Pavunraj
52. G. Kulandaivelu
53. G. Rajamani
54. R. Anandakumar
55. R. Mohanraj
56. B. Pannelslvam
57. A. Marimuthu
58. N. Padmanabhan
59. S. Chidambaram
60. D. Ganesan
61. N. Sampathkumar
62. G. Jayachandran



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63. R. Sreenivasan
64. V. Ramaswamy
65. Antonyraj
66. V. Sreekumaran
67. M. Sakthivel
68. G. Jayabal
69. B. Narayanaswamy
70. B. Ramachandran
71. R. Arumugam
72. V. Appasamy
73. M. Ramachandran
74. K. Palanichamy
75. M. Boopathy
76. N. Pannerselvam
77. D. Rajendran
78. R. Balasubramaniam
79. D. Pandarinathan
80. R. Shanmugasundaram
81. K. Rengaraj
82. V. Vijayan
83. The Management,
Textool Company Limited,
Ganapathi,
Coimbatore – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records connected with common order dated 14.03.2005 passed by the 1st respondent in C.P.No.540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630,



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631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 662 & 663 of 2003, and quash the same in so far as it relates to the observations found in para 12 of the said order.

For Petitioner : Mr. R.Jayaprakash
for M/s.S.Ramasubramaniam Associates

For R1 to R8,
R10 to R82 : Notice served

For R9 : No Appearance

ORDER

These three writ petitions are connected to each other and as such are taken up for disposal by way of this common order.

2. The workmen involved in this case had approached the Labour Court by virtue of individual computation petitions, claiming that the action of the management in illegally closing the unit and not employing them was without following the statutory provisions and as such, they are entitled to the computation of wages as if they continued to be in service. The computation petitions were dismissed. Aggrieved by the same, the workmen have filed W.P.No.23413 of 2005 and W.P.No. 5701 of 2006. Aggrieved by certain



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observations made in the computation petitions, the management has filed

W.P.No. 29360 of 2006.

3. The learned Counsel appearing on behalf of the workmen, reported no instructions. The names of all the workmen are printed in the cause list. Under these circumstances, this Court took up the matter for hearing.

4. Heard Mr.Jayaprakash, the learned counsel appearing on behalf of the Management. There is no representation on behalf of the workmen.

5. The learned counsel appearing on behalf of the management would submit that upon the closure of the petitioner unit, there was a settlement with the trade unions under Section 18(1), and benefits were being paid to the majority of the employees. These are the workmen who didn't choose to accept the said 18(1) settlement and therefore filed these computation petitions. However, pending the writ petitions,the majority of the workmen, about 64 in number have accepted the very same settlement that was given to the other workman, pursuant to the 18(1) settlement entered into with the unions, and have received the amounts. The balance of them have neither



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approached the management nor come forward to pursue the present writ petition. The rest of the workmen, are not also prosecuting the writ petition.

However, even though the writ petitions with reference to the computation petitions are now being dismissed for non-prosecution by this Court, it is also recorded that the management is willing to pay the amount covered by the settlement, as in the case of other workmen, as and when they approach the management.

6. The learned counsel appearing on behalf of the management has also filed the copies of the 64 settlements entered into with the workmen, and the same is taken on record.

7. Accordingly, recording the fact that the majority of the workmen have settled the issue, and in respect of the rest of the workmen, the writ petitions are being dismissed for non-prosecution, however with liberty for them to approach the management to accept the same amount, if they choose to. As far as the writ petition filed by the management is concerned, the same is disposed of, as no further adjudication is necessary, in view of the fact that the matter is settled with reference to the majority of the workmen, and in



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respect of the balance workmen, their writ petitions are dismissed for default.

No costs.

02.12.2024

Neutral Citation: Yes/No
nsl

D.BHARATHA CHAKRAVARTHY, J.

nsl

1. The Commissioner of Labour,
Teynampet, Madras – 6.
2. The Assistant Commissioner of Labour,
Constituted under the Industrial Disputes Act,
Conciliation 3,
Balasundaram Road, Coimbatore -18.

14/15



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3. The Presiding Officer,
Labour Court, Coimbatore.

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