



W.P.Nos.28821 of 2013 and 27180 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.28821 of 2013 and 27180 of 2008

W.P.No. 28821 of 2013

1. A.Balakrishnan
2. V.Chinnathambi
3. S.George
4. S.Jayaseelan
5. V.Kathiravan
6. C.Natarajan
7. K.Natesan
8. R.Ponnusamy
9. D.Ramadoss
10. P.Raguraman
11. P.Ramagurusamy
12. C.Selvan
13. P.Sathiyamoorthy
14. R.Sivasamy
15. S.Suruliraj
16. P.Vaigundam
17. P.Velusamy

... Petitioners

Vs.

1. Lakshmi Maching Works Ltd.,
Periyanaciken Palayam,
Coimbatore 641 020.



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2. The Assistant Commissioner of Labour,
Conciliation (3),
Dr. Balasundaram Road,
Coimbatore 641 018.

3. Presiding Officer,
Labour Court, Coimbatore.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records relating to the petitioners on the file of Respondents 2 & 3, particulars given in the schedule hereunder and quash (a) the orders of the 2nd respondent dated 03.05.2004 in the Na.Ka.Nos. allotted to the petitioners and (b) the impugned order dated 24.02.2006, 09.08.2004 and 19.01.2010 of the Labour Court in the I.D.Nos., allotted to the petitioners in the interlocutory application filed by the 1st respondent in the enquiry before the Labour Court and award passed by the Labour Court on the same date in pursuance of the order in I.A. And (c) consequently direct the 1st respondent (i) to reimburse the wages for the period 01.06.2001 to 31.03.2002 withheld by the Textool Company Limited (ii) to give employment to the petitioners retrospectively from 01.04.2002 according to its scale with backwages.

For Petitioners : Ms.Haritha for P1
M/s.N.Fedelia for P3, P5, P14 & P17
Mr.B.Manimaran for P6, P7, P10, P12 &
P13

For Respondents : Mr.Sanjay Mohan for R1



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for M/s.Ramasubramaniam Associates
Mr.K.Surendran,for R2
Additional Government Pleader
Labour Court-R3

W.P.No.27180 of 2008

S.Gnanaraj

... Petitioner

Vs.

1. Lakshmi Maching Works Ltd.,
Periyanaciken Palayam,
Coimbatore 641 020.
2. The Assistant Commissioner of Labour,
Conciliation (3),
Dr. Balasundaram Road,
Coimbatore 641 018.
3. Presiding Officer,
Labour Court, Coimbatore.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records on the file of the second and third respondents respectively in Na.Ka.No.377 of 2003 dated 03.05.2004 and in I.A.No.1010 of 2005 and award in I.D.No.465 of 2004 dated 24.02.2006 and quash (i) the impugned order in Na.Ka.No.377 of 2003 dated 03.05.2004 passed by the 2nd respondent and (ii) the impugned award in I.D.No.465 of 2004 dated 24.02.2006 passed by the third respondent and



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consequently direct the 1st respondent to give employment to the petitioner from 01.04.2002 with backwages.

For Petitioner : Ms.Haritha

For Respondents : Mr.Sanjay Mohan for R1
for M/s.Ramasubramaniam Associates
Mr.K.Surendran, for R2
Additional Government Pleader,
Labour Court-R3

COMMON ORDER

These Writ Petitions are filed to call for the records on the file of the second and third respondents in Na.ka.No.377 of 2003 dated 03.05.2004 and 465 of 2004 dated 24.02.2006 and to quash the impugned award in I.D.No.465 of 2004 dated 24.02.2006 passed by the third respondent and the impugned order in Na.Ka.No.377 of 2003 dated 03.05.2004 passed by the second respondent and consequently, direct the first respondent to grant employment to the petitioners from 01.04.2002 with backwages. The first Writ Petition in W.P.No.27180 of 2008 is filed for the same relief by one workman by the name S.Gnanaraj. Challenging the identical orders, the second Writ Petition namely in W.P.No.28821 of 2013 is filed by 17 workmen.



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4. The workmen preferred Writ Appeals in W.A.Nos.763 to 766 of 2014. By an order dated 08.08.2014 the Writ Appeals were dismissed. These orders are also covered by the dictum in the said judgments. The learned Senior Counsel would submit that without prejudice to the contentions, of 18 workmen involved in these Writ Petitions, a total number of 10 workmen also approached the management and considering the issue both sides have entered into an 18 (1) settlement, whereby, a particular sums have been agreed to be paid to the Workmen. 7 of the workmen have entered into the settlements in the year 2016, one in the year 2018, one in the year 2021 and one in the year 2022. Therefore, nothing survives in the Writ Petitions to be adjudicated in respect of those 10 persons who have entered into a compromise with the management. In respect of the other petitioners also, *dehors* its said contentions, the management is entitled to extend the same benefit as extended to the other 10 workmen.

5. The learned counsel for the Workmen would submit that even though the Workmen would still press for the relief, in view of the order of the



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earlier Division Bench, observations shall also be made in respect of the rest of the writ petitioners to also approach the management for similar benefits.

In view thereof, the Writ Petitions are disposed of on the following terms:

1) In view of the matters being decided in respect of the identical Workmen by the Division Bench of this Court in W.A.No.763 of 2014 etc., dated 08.08.2014, the impugned orders are not interfered by this Court and on the prayer in the Writ Petitions to set aside, impugned order shall stand rejected;

2) In view of the fact that 10 of the Workmen having entered into a settlement under Section 18(1) with the respondent management, the Writ Petitions in respect of them shall stand disposed of as having become infructuous. In respect of the balance of the Workmen, even though the claim with reference to setting aside the impugned order stood rejected, the undertaking given on behalf of the respondent management that they will also be paid the same benefits as the other 10 Workmen is recorded and they will be free to approach the respondent management for



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*grant of similar benefits and upon their approaching,
similar 18 (1) settlement can also be entered into with
them and similar benefits can be extended to them.*

No costs.

02.12.2024

Neutral Citation : No
dna

To

1. The Assistant Commissioner of Labour,
Conciliation (3),
Dr. Balasundaram Road,
Coimbatore 641 018.
2. The Presiding Officer,
Labour Court, Coimbatore.



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D.BHARATHA CHAKRAVARTHY, J.

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