



W.P.No.32995 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32995 of 2019

K.G.S.Spinner Thozhilalar Sangam
Rep.by its General Secretary
No.9/36, Ponnuraman Koil Street
Irugur, Coimbatore 641 103.

... Petitioner

Vs.

- 1.State of Tamil Nadu
Rep.by Secretary to Government
Labour and Employment Dept.
Fort St. George, Chennai 600009.
- 2.The Commissioner of Labour
O/o.Commissioner of Labour
DMS Compound
Teynampet, Chennai 600 018.
- 3.The Assistant Commissioner of Labour
Conciliation (2)
Dr.Balasundaram Road
Coimbatore 641 018.



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4.K.G.S. Spinners
Rep.by Director
Mr.S.Sreekanth
No.55, Jaisree, Race Course Road
Coimbatore 641 018.

5.K.G.S. Spinners
Rep.by Director
Tmt.S.Radhika
No.55, Jaisree, Race Course Road
Coimbatore 641 018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass orders on the failure report under Section 12(4) of the ID Act dated 08.11.2016 and refer the matter before the Competent Labour Court, under Section 10 of the ID Act 1947 to in accordance with and pass suitable orders.

For Petitioner : Mr.G.Meganathan

For Respondents : Mr.K.Surendran for R1 to R3
Additional Government Pleader
Mr.M.Velu for R5



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ORDER

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This Writ Petition is filed for a mandamus directing the first respondent to pass orders on the failure report under Section 12(4) of the Industrial Disputes Act, dated 08.11.2016 and refer the matter before the Competent Court under Section 10 of the Industrial Disputes Act, 1947 in accordance with law.

2. When the matter came up for hearing, the learned counsel appearing on behalf of the respondent Management would submit that the Unit in question was closed, in the year 1995 and all the workmen had received their due and have duly executed a settlement under Section 18(1) and the matter ended long back. Thereafter, in the year 2008, suddenly, the Workmen had filed a batch of computation petitions before the Labour Court. The Labour Court entertained the petitions and ordered the computation petitions for the balance of salary being Rs.5,160/- for the period from 1993 to 1995. Aggrieved by the said awards of the Labour Court, the management had filed the Writ Petitions in W.P.No.14647 of 2016 etc. and by a common judgement dated 25.07.2023, the Writ Petitions were allowed.



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3. It is the finding of the this Court that there was 18(1) settlement between the parties in the year 2002 and the entire claim of the Workmen has since been settled, the same has been accepted by the Workmen as full quit. As a matter of fact, the Labour Court was directed to disburse the amount due and the entire matter stood closed by virtue of the said judgment. After all these, in respect of the closure which had happened in the year 1995, this industrial dispute was raised in the year 2016. Therefore, he would submit that this is a stale claim on a closed matter.

4. Considering the fact that the industry was closed in the year 1995 and there was a settlement in the year 2002 and the same was also duly recorded by this Court in W.P.No.14647 of 2016 that the benefits which flow thereon are to be accepted as full quit, there is no question of raising the dispute once again, now belatedly, after 20 years of the closure directing the respondent government to pass orders on the dispute.

5. When the matter has been settled between the Workman and Management already, the Union cannot be permitted to raise and reopen the



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closed matter very belatedly. In view thereof, there is no finding on merits and

this Writ Petition stands dismissed. No costs.

22.11.2024

Neutral Citation: No
dna

To

- 1.The Secretary to Government
Labour and Employment Dept.
Fort St. George, Chennai 600009.
- 2.The Commissioner of Labour
O/o. Commissioner of Labour
DMS Compound
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