



W.P.Nos.15528 of 2012 & 88 of 2013

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.15528 of 2012 & 88 of 2013

and

M.P.Nos.1 to 45 of 2012

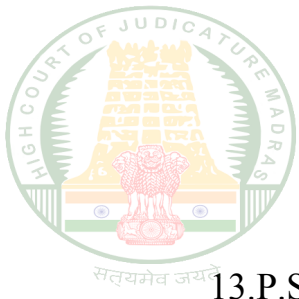
W.P.No.15528 of 2012

The Management of
Roca Bathroom Products (P) Ltd.,
(formerly known as E.I.D. Parry and Racoware (P) Ltd.)
Gandhi Road, Ranipet – 632 402,
Senior General Manager – Operations ... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.

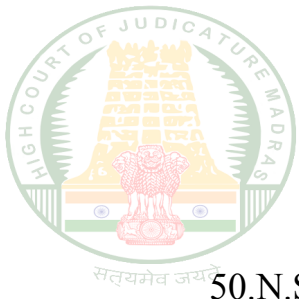
2.N.S.Murali
3.A.Palani
4.P.Palani
5.R.Kothandapani
6.B.Munuswamy
7.R.Arulanandan
8.M.Jerad
9.K.Srinivasan
10.P.Jayavelu
11.S.Gopinath
12.D.Senthil



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- 13.P.Sarangapani
- 14.S.Krishna Moorthy
- 15.M.Venkatesan
- 16.C.Dinakaran
- 17.K.Suresh Babu
- 18.N.Senthil Kumar
- 19.S.Seenu
- 20.B.Udaya Kumar
- 21.T.Kanniappan
- 22.M.Kanniappan
- 23.V.Haribabu
- 24.D.Dinakaran
- 25.V.Santha Kumar
- 26.M.Rajini
- 27.S.Anandan
- 28.D.Jayaprakash
- 29.R.Stepenraj
- 30.G.Mohamed Nabi
- 31.T.Manogaran
- 32.K.Rajan
- 33.N.Babu
- 34.A.V.Jagadesh Sankar
- 35.M.Prasanaraj
- 36.P.Subramani
- 37.D.Nandakumar
- 38.M.Pitchai
- 39.J.Senthilkumar
- 40.S.Vinayagam
- 41.M.Simonraj
- 42.V.Haripratap
- 43.M.Raja
- 44.R.Pandiyan
- 45.S.Babu
- 46.N.Saravanan
- 47.A.Uthamados
- 48.M.Arumugham
- 49.B.Shanmugham



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50.N.Sureshbabu

51.K.Bharathi

52.R.Kumaran

53.J.Anbalagan

54.P.Sambandan

55.K.N.Prabhakaran

56.Prakash

57.C.Sivanandam

... Respondents

Prayer in W.P.No.15528 of 2012 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent in I.D.No.139, 118 to 130, 132 to 136, 137, 140 to 160, 162, 163/10, 165 to 171, 238 to 241, 257, 258 of 2010 and 68 of 2011 and quash the common award dated 08.12.2011.

For Petitioner : Mr.Anand Gopalan
for M/s.Agam Legal Advocates

For Respondents : Labour Court [R1]
Mr.V.Prakash
Senior Counsel
for M/s.K.Sudalai Kannu [R2, R13
to R29, R31 to R48, R50 to R57]
No appearance [R3 to R11, R30
and R49]
Steps due to bring LR's of the
deceased [R12]

W.P.No.88 of 2013

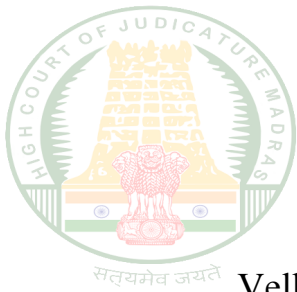
R.Mamani Kalai Vendan

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,

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Vellore, Vellore District.

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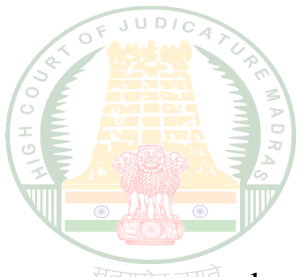
2.The Management of
Roca Bathroom Products Private Ltd.,
(formerly known as E.I.D. Parry and Racoware (P) Ltd.)
Gandhi Road,
Ranipet – 632 402. ... Respondents

Prayer in W.P.No.88 of 2013 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records from the files of the 1st respondent in I.D.No.138 of 2010 and quash the common award made therein insofar as the 1st respondent Labour Court has denied the claim of the petitioner for reinstatement in service, with continuity of service and with all other attendant and consequential benefits.

For Petitioner : Mr.V.Prakash
Senior Counsel
for M/s.K.Sudalai Kannu
For Respondents : Labour Court [R1]
Mr.Anand Gopalan
for M/s.Agam Legal Advocates [R2]

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, with the consent of the learned counsel appearing for the parties, both the writ petitions are heard together and disposed of by way of this common



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order.
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2. The respective workmen raised industrial disputes u/s 2(A)(2) of the Industrial Disputes Act, 1947 (in short 'the ID Act') before the labour court primarily on the ground that one Shanthan, who is a similarly situated person like that of the respective workmen, had raised an industrial dispute before the labour court in I.D.No.28 of 2007 and the labour court has passed an award dated 27.01.2009 in his favour. On the basis of the said award, the labour court has allowed the disputes raised by some of the workmen and dismissed the dispute in respect of one workman, namely Mamani Kalai Vendan vide common award dated 08.12.2011. Aggrieved by the same, the management has filed W.P.No.15528 of 2012 and the said workman has filed W.P.No.88 of 2013.

3. When these matters are taken up for hearing today, learned counsel appearing for the management submitted that a similarly situated person like that of the respective workmen, one Shanthan, has raised an industrial dispute before the labour court and the same was allowed in his favour, against which, the very same management had filed a writ



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petition before this Court in W.P.No.9387 of 2009 and the same was allowed. Therefore, he submitted that the writ petition by the management in W.P.No.15528 of 2012 may be allowed and the writ petition filed by the workman viz., Mamani Kalai Vendan in W.P.No.88 of 2013 may be dismissed.

4. Per contra, learned Senior Counsel appearing for the workmen submitted that the workmen have raised disputes before the labour court on the ground that the management has extracted work from the workmen on par with regular workman, however they were given appointment as trainee. In view of the fact that the management extracted work from the workmen on par with regular workman, the labour court ordered for reinstatement, which needs no interference. Further, he submitted that the facts in *Shanthan's* case is not applicable to the present case on hand. He further submitted that in respect of the workman Mamani Kalai Vendan, the labour court erred in holding that since the workman did not examine himself as a witness, he is not entitled to any relief when it has been categorically held that the action of the management in terminating the services of the workmen after completion of two years of company Trainee period is illegal, unjust and amounts to victimization and unfair



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labour practice. Accordingly, he prays for dismissal of W.P.No.15528 of 2012 and allowing W.P.No.88 of 2013.

5. Heard the learned counsel appearing for the parties and also perused the materials available on record.

6. The order of the labour court is assailed on the basis of the order passed by this Court in W.P.No.9387 of 2009, wherein this Court has set aside the award which is the basis on which the present disputes have been filed. The said fact is evident from the materials available on record. Though it is the stand of the learned Senior Counsel appearing for the workmen that the aforesaid decision in the said writ petition is not applicable to the facts of the present case, however a perusal of the aforesaid case clearly shows that the facts in the present case is identical to the facts pleaded in the said case. In such view of the matter, this Court holds that the decision in W.P.No.9387 of 2009 is squarely applicable to the present case.

7. In view of the above, the writ petition filed by the management deserves to be allowed and the writ petition filed by the workman is liable



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to be dismissed. Accordingly, the writ petition in W.P.No.15528 of 2012 is allowed and the writ petition in W.P.No.88 of 2013 is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

20.02.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

The Presiding Officer,
Principal Labour Court,
Vellore.



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M.DHANDAPANI, J.

sp

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20.02.2025