



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP Nos. 15357 of 2010 & 31048 of 2013

WP No. 15357 of 2010

1. P.Selvaraj
2.P.Mahalingam
3.V.Senthilkumar
4.N.Rajendran
5.P.Ramesh
6.P.Kadirvel
7.G.Udayakumar
8.K.R.Manickavasagam
9.R.Chitra
No.10, Ranganathar St,
Ramakrishnapuram, Ganapathy,
Coimbatore-6 [petitioners 1 to 9 C/o.
P.Vijayarajan, Secretary KNLO,
Kamaraj Bhavan, No.54, Geetha Hall
Road, Coimbatore-18]

Petitioner(s)

Vs

1. The Presiding Officer
Labour Court, Coimbatore

2.The Management Of Sri
Anandakumar Mills Ltd.,
Saravanampatti Post, Rep.by its



Managing Director, Coimbatore-641
035

WEB COPY

Respondent(s)

WP No. 31048 of 2013

1. The Management Of Sri
Anandhakumar Mills Ltd.,
Saravanampatti, Coimbatore 641 035,
Rep.by its Managing Director
M.R.Rathindran

Petitioner(s)

Vs

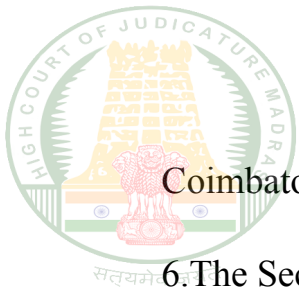
1. The Presiding Officer
Labour Court, Coimbatore

2.The Secretary
HMS Union, Trichy Road,
Singanallur, Coimbatore 641 008

3.The Secretary
ATP Union (Kovai Maavatta Panchalai
Anna Thozhilalar Sangam), Kattur,
Coimbatore

4.The Secretary
Kovai Maavatta Dravida Panchalai,
Thozhilalar Munnettra Sangam,
Tatabad, Coimbatore-641 012

5.Kamaraj National Labour
Organisation, Rep.by its General
Secretary R.Santhalingam, 54,
Kamaraj Bhavan, Geetha Hall Road,



Coimbatore-641 014

6.The Secretary

WEB CITU Union, Kattur, Coimbatore

Respondent(s)

WP No. 15357 of 2010

PRAYER

This Writ petition has been filed under article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records relating to the Common Award dated 30.12.2008 passed by the 1st respondent Labour Court, in ID Nos. 270/2006, 271/06, 272/06, 273/06, 274/06, 275/06, 276/06, 277/06 and 278 of 2006 and set aside the same in so far as it denied 75% back wages to the petitioners while granting the relief of reinstatement with continuity of service

WP No. 31048 of 2013

PRAYER

This Writ petition has been filed under article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records from the file of the 1st respondent herein and to quash the award dated 13.7.2011 in I.D.No.444/2004 passed by the 1st respondent herein

WP No. 15357 of 2010

For Petitioner(s): M/s.C.K.Chandrasekhar

For Respondent(s): R1- Labour Court
Mr. S. Shivathanu for
M/s.S.Ramasubramaniam



Associates for R2

WP No. 31048 of 2013

WEB COPY

For Petitioner(s): Mr.S.Shivathanu Mohan for
M/s.S.Ramasubramanian
Associates

For Respondent(s): R1- Labour Court
No appearance for R2 to R4 &
R6
Mr.C.K.Chandrasekar for R5

COMMON ORDER

W.P.No.15357 of 2010 impugned the common award dated 30.12.2008 passed by the Labour Court, awarding only 25% of backwages while directing the management reinstating the petitioners.

2. W.P.No.31048 of 2013 is filed by the management questioning the correctness of the award passed by the Labour Court in I.D.No.444 of 2004 dated 13.07.2011.

3. The issue involved in both the writ petitions are interconnected, therefore both the writ petitions are disposed of by way of this common order.

4. For the ease of convenience, the parties are referred as workers and management.



5. The workers joined the management during 1996 and 1997. They were working as apprentices and later they were treated as badlis. The workers union raised a dispute regarding permanency and filling up of vacancies. It was the contention of the union that though the management employed around 433 workers only 190 workers were made permanent and the rest of them were used as daily wagers. The management declared lay off on 16.11.2002 on the ground that the management was passing through a rough patch. The management also introduced voluntary retirement scheme and many workers opted for the same.

6. The workers demanded their job to be made permanent and on refusal of the same by the management, raised individual industrial disputes. By way of common award dated 30.12.2008, the Labour Court had directed the management to reinstate the workers and treat them as permanent employees from the date on which the lay off was ordered. As regards backwages, the Labour Court held that the workers will be entitled only for 25% of backwages since they have not satisfactorily proved before the Labour Court that they were not gainfully employed during the period of non employment with the management. Unhappy with the denial of entire backwages, the workers have filed W.P.No.15357 of 2010.

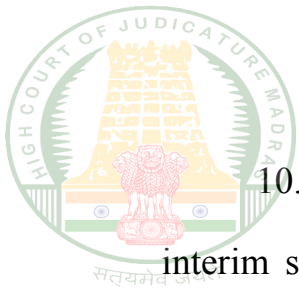
7. Interestingly, even before an industrial dispute could be raised by the workers in W.P.No.15357 of 2010, the workers union namely, the fifth respondent in W.P.No.31048 of 2013 took up the cause of the union workers and



raised an industrial dispute in I.D.No.444 of 2004 demanding permanency of the employment of union workers. The said dispute was decided by the Labour Court, Coimbatore on 13.07.2011 ; i.e., after the disposal of individual disputes raised by the workers as mentioned above. The Labour Court held that the declaration of lay off with effect from 16.11.2002 was illegal and the workers, the petitioners in W.P.No.15357 of 2010 are entitled to receive all the monetary benefits for the period between 16.11.2002 to 31.05.2005 as if they had worked continuously during the said period.

8. It is quite surprising as to how the Labour Court has passed such a direction. Indeed, in the list of Exhibits Ex.W.1 is the copy of the common award passed in I.A.No.270 of 2006 etc., batch. In the said common award, the Labour Court had granted only 25% of backwages. The Labour Court which decided I.D.No.444 of 2004 has not even made an attempt to discuss the said award and not given any reasons for giving a finding that the workers are entitled to receive all monetary benefits for the very same period which was denied by the Labour Court in the earlier round of litigation.

9. This Court does not appreciate the manner in which the I.D.No.444 of 2004 was decided by the Labour Court, Coimbatore. Judicial discipline requires that no conflicting orders be passed on the very same issue by Courts of equal strength.



10. While entertaining W.P.No.31048 of 2013, this Court had granted interim stay on condition the management deposits the sum of Rs.6,00,000/- (Rupees Six lakhs only) before the Labour Court. Subsequently, the workers union filed a petition to vacate the stay granted and this Court vide order dated 10.06.2014 permitted the workers union to withdraw 50% of the amount deposited by the management.

11. The fifth respondent in W.P.No.31408 of 2013 is permitted to withdraw the balance amount deposited by the petitioner management on the file of Labour Court, Coimbatore in I.D.No.444 of 2004.

12. It is admitted by both parties that the workers have, pursuant to the order dated 30.12.2008 passed by the Labour Court, have joined the services of the management and they continued to work. Therefore, this Court is not inclined to grant the relief sought for by the workers union on behalf of the petitioner in W.P.No.15357 of 2010 is entertained and a sum of Rs.6,00,000/- has been granted in favour of the workers, W.P.No.15357 of 2010 is partly allowed. W.P.No.31048 of 2013 stands allowed. No costs.

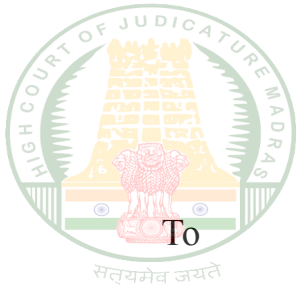
04-02-2025

RAP

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



WEB COPY
1. The Presiding Officer
Labour Court, Coimbatore



M.DHANDAPANI J.

WEB COPY

RAP

**WP Nos. 15357 of 2010
& 31048 of 2013**

04-02-2025