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W.P.Nos.23726, 23727 and 23728 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.23726, 23727 and 23728 of 2010

And

M.P.Nos.1 to 1 of 2010

The Management
M/s.Florind Shoes (India) Pvt. Ltd.,
M.C.Road, Solur, Ambur
Represented by
Deputy General Manager
S.Syed Saleem

Ramela Rangasamy
Liquidator of M/s.Florind
For the Management M/s.Florind Shoes (India)
Shoes Private Limited,
No.5/19, II Floor, E.K.Guru Street,
Periamet, Chennai – 600 034.
Appointed as the Liquidator of the
Petitioner Pvt. Ltd.,
M.C.Road, Solur, Ambur
Represented by
Deputy General Manager
S.Syed Saleem
(Brought on record as per
order dated 18.12.2024 in W.Ps.23726,
23727 and 23728/
2010 by DBCJ)

... Petitioner in all the W.Ps.

Vs.

1.The Presiding Officer,
Additional Labour Court,
Vellore.

... Respondent in all the W.Ps.



W.P.Nos.23726, 23727 and 23728 of 2010

2.M.Doulath	... Respondent in W.P.23726/2010
2.S.Loganathan Pillai	... Respondent in W.P.23727/2010
2.V.Ashfaque Ahmed	... Respondent in W.P.23728/2010

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records and quash the award dated 02.08.2010 passed in I.Ds.213, 212 and 211 of 2005 respectively, by the first respondent Presiding Officer, Additional Labour Court, Vellore insofar as it relates to the grant of continuity of service and payment of 25% back wages.

For Petitioner	: Mr.Rishab R.Jain for M/s.BFS Legal
For Respondents	: R1 – Court R2 – No Appearance

COMMON ORDER

The writ petitions have been filed seeking issuance of Writ of Certiorari to call for the records and quash the award dated 02.08.2010 passed in I.Ds.213, 212 and 211 of 2005 respectively, by the first respondent insofar as it relates to the grant of continuity of service and payment of 25% back wages.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.



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3.The case of the petitioner is that the respective second respondent were employed under the petitioner on 03.03.1984, 13.11.1985 and 28.01.1989 respectively and were terminated from service on 30.04.2004, 15.12.2004 and 12.02.2005 respectively. The respective second respondent made representation to the petitioner to provide employment and since the petitioner did not provide employment, they raised industrial dispute before the Labour Court and the Labour Court passed the impugned award directing the petitioner to reinstate the respective second respondent in service with continuity of service, 25% backwages and other attendant benefits. The learned counsel further submitted that the respective second respondent resignation and after resignation they did not turn up for work, however, they raised industrial dispute before the Labour Court and the Labour Court passed the impugned award.

4.Though the names of the respective second respondent were printed in the cause list, there is no representation. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.



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5.Perusal of records reveal that the respective second respondent entered the service under the petitioner on 03.03.1984, 13.11.1985 and 28.01.1989 respectively and were orally terminated from service on 30.04.2004, 15.12.2004 and 12.02.2005 respectively. Whereas, the petitioner claim that the respective second respondent submitted their resignation. However, no records were produced before the Labour Court with regard to the appointment order. The Labour Court rightly appreciated the factual aspects and passed the award.

6.The petitioner is directed to reinstate the respective second respondent in service and to pay 25% backwages from 30.04.2004, 15.12.2004 and 12.02.2005 respectively till the date of reinstatement. The respective second respondent are entitled to continuity of service.

7.The writ petitions are dismissed with the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

17.02.2025

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Index: Yes/ No Speaking Order: Yes/ No NCC: Yes/ No

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To

1.The Presiding Officer,
Additional Labour Court, Vellore.

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M.DHANDAPANI,J.
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