



WEB COPY

WP No. 24517 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 24517 of 2025

S.Kanakaraj
S/o.L.Chinnaiah,
Residing at No.3/300, Kurinji Nagar,
Kodaikanal, Dindigul District.

Petitioner(s)

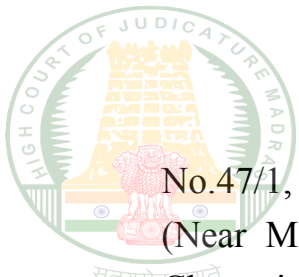
Vs

1.M/s. Hindustan Unilever Limited,
Rep. by its Managing Director,
Unilever House, B.D. Sawant Marg,
Chakala, Andheri East,
Mumbai- 400 099.

2.M/s.Ponds Hindustan Lever Limited,
Ex. Mercury Employees Welfare Association,
(Reg. No.126 of 2004) rep. by its President,
Thiraviam Complex, Kamarajar Road,
Kodaikanal- 624 101,
Dindigul District, Tamil Nadu.

3.State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Labour, Fort St. George,
Chennai- 600 009.

4.The Chief Inspector of Factories,
Director of Industrial Safety and Health



No.47/1, SIDCO Industrial Estate,
(Near Metro Water Roundana),
Chennai- 600 032.

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5.The Tamil Nadu Pollution Control Board,
Rep. by its Chairperson,
100, Anna Salai, Chennai.

6.Union of India
Rep. by its Secretary to Government,
Ministry of Labour,
Shram Shakthi Bhavan,
New Delhi- 110 001.

Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus, direct the 1st respondent for awarding EX-Gratia payment in accordance with cadre and service conditions treating the petitioner on par with the member of ex-employees association benefited under the orders passed by this Hon'ble Court in W.P. No.8291 of 2006, 23748, 23749 of 2011 dated 09.03.2016.

For Petitioner(s): Mr.S.Gunasekar

For Respondent(s): Mr.Madhanbabu,
for R1
Mr.A.M.Ayyadurai, Govt. Adv.
for R3 and R4
M/s.K.Kalaivani,
for R6



ORDER

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The above writ petition is filed for issuance of a writ of mandamus, to direct the 1st respondent to award EX-Gratia payment in accordance with cadre and service conditions treating the petitioner on par with the members of ex-employees association benefited under the orders passed by this Court in W.P. No.8291 of 2006, 23748, 23749 of 2011 dated 09.03.2016.

2. When the matter was taken up for hearing today, the learned counsel for the petitioner sought permission of the Court to withdraw the writ petition.

3. The learned counsel appearing for the 1st respondent opposed the prayer for withdrawal by stating that despite the claim of the petitioner having been repelled in the earlier round of litigations, the petitioner has been repeatedly approaching the Court for similar relief. The learned counsel therefore submitted that the writ petition was vexatious and deserved to be dismissed.



4. Heard both sides and perused the records. With the consent of both the learned counsels the main writ petition is taken up for final disposal.

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5. It is seen that the petitioner had earlier filed a writ petition in W.P.No.4386 of 2018, along with others and this Court in its order dated 21.07.2022, repelled the claim for ex-gratia payment. The Division Bench in the said writ petition held as follows:

“8. A perusal of the above observation shows that the petitioners cannot claim ex-gratia payment as a matter of right and a writ of mandamus cannot be issued in this regard because the payment of ex gratia is not a statutory right and when there is no statutory right, the Court need not exercise its power for granting such relief sought for in the writ petition.”

The said judgment was challenged before the Hon'ble Supreme Court in Special Leave to Appeal (C) No(s). 23776/2022 and the Hon'ble Supreme Court vide order dated 04.01.2023, dismissed the Special Leave to Appeal.



6. It is further pertinent to note that in a recent order, the Division Bench in its order dated 13.08.2025, held as follows:

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“2. This second round of litigation has been filed by the petitioner raising identical issue and again claiming ex-gratia payment. The submission of the learned counsel for the petitioner is that in view of the liberty granted by the Hon'ble Supreme Court, this petition has been revived.

3. We are of the view that such a submission is wholly unacceptable. The decision of this Court on merits that the petitioner and others are not entitled to ex-gratia payment was not interfered with and the SLP was dismissed. It appears that the Hon'ble Supreme Court observed that any remedy available according to law is left open to the petitioner.

That, obviously, does not mean that the petitioner is at liberty to revive the writ petition, which was earlier dismissed. Though we are inclined to impose costs, taking into consideration that the petitioner is a workman, we leave this matter as dismissed.”

7. In the light of the orders of the Division Bench and the Hon'ble Supreme Court, I find justification in the contention of the learned counsel for



the 1st respondent.

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In view of the above discussions, this Court is inclined to dismiss the writ petition. Accordingly, this writ petition is dismissed. However, there shall be no order as to costs.

dsn

09-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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Unilever House, B.D. Sawant Marg,
Chakala, Andheri East,
Mumbai- 400 099.

2.The President,
Ponds Hindustan Lever Limited
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Association, (Reg No.126 of 2004)
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Dindigul Dustrict, Tamil Nadu.

3.The Secretary to Government,
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Fort St. George Chennai- 600009.

4.The Chief Inspector of Factories
Director of Industrial Safety And
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N.MALA J.

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