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W.P.No.7747 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7747 of 2022

And

W.M.P.Nos.7761 of 2022 and 24483 & 24485 of 2024

The Management
Kamaz Motors Limited
Plot No.7 & 8, SIPCOT Phase I
Represented by Mr.N.Bhaskar,
Senior Manager-HR & IR

... Petitioner

Vs.

Puthiya Jananayaka Thozilalar Munnani
Kamaz Vectra Motors Branch

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records connected with I.D.No.64 of 2019 (Old I.D.No.203 of 2014) on the file of the Presiding Officer, Labour Court, Hosur and to quash the award dated 27.07.2021 made herein.

For Petitioner : Mr.Sanjay Mohan
for M/s.S.Ramasubramaniam and Associates

For Respondent : Mr.Balan Haridass



W.P.No.7747 of 2022

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records connected with I.D.No.64 of 2019 (Old I.D.No.203 of 2014) on the file of the Presiding Officer, Labour Court, Hosur and to quash the award dated 27.07.2021.

2.The learned counsel appearing for the petitioner submitted that the petitioner has a factory situated at Plot No.7 & 8, SIPCOT Phase, wherein it is engaged in the business of assembling the heavy duty trucks after importing the spare and components from Russia. On 06.01.2012, a group of individuals who were the workmen of another company called M/s.Vectra Advanced Engineering Private Limited, Attibele, Karnataka had barged in and trespassed into the factory of the petitioner at Hosur claiming employment in the petitioner company and the individuals who trespassed stayed inside the factory premises preventing ingress and egress of the workmen of the petitioner and created impediments to business, employees and customers of the petitioner factory. Therefore, a police complaint was raised by the petitioner in C.S.R.No.3/12 in the SIPCOT Police Station, Hosur.

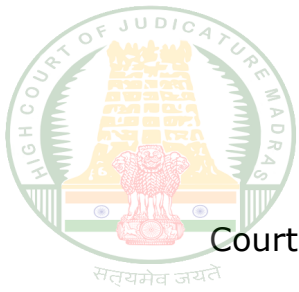


W.P.No.7747 of 2022

WEB COPY

3.The learned counsel appearing for the petitioner further submitted that on 11.01.2012, a group of 15 employees of M/s.Vectra Advanced Engineering Private Limited stayed inside the factory and obstructed the movement of finished goods along with three other workmen who were workmen of the petitioner company and hence the petitioner lodged another complaint dated 12.01.2012 in C.S.R.No.5/12 before the SIPCOT Police Station, Hosur and placed the three employees under suspension vide order dated 12.01.2012 and hence the said three workmen resorted to illegal stay in strike from the evening of 12.01.2012 and a group of workmen indulged in violence demanding withdrawal of suspension and created a total unsafe condition of smooth running of the plant and hence the petitioner declared suspension of operation vide notice dated 13.01.2012 and informed the same to the Labour Officer, Krishnagiri.

4.The learned counsel appearing for the petitioner further submitted that since there was no settlement, the Labour Officer, Krishnagiri sent failure report to the Government on 14.02.2012 and the Government referred the dispute for adjudication to the Labour



W.P.No.7747 of 2022

Court vide G.O.(D) No.552 dated 17.11.2014. Thereby the respondent raised industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947 to declare the lockout of Management for the period from 13.01.2012 to 06.05.2012 as illegal and to order for payment of wages with all benefits with interest to the workmen for the period from 13.01.2012 to 06.05.2012 by treating it as work period and the Labour Court passed the award holding that the workmen of Kamaz Vectra Motors Limited are entitled to receive the wages with all benefits with interest for the period from 13.01.2012 to 06.05.2012 by treating the same as working period of workmen.

5.The learned counsel appearing for the petitioner further submitted that the workmen created law and order problem, thereby, the petitioner was forced to declare suspension of operation, however, the said fact was not properly adjudicated by the Labour Court.

6.Per contra, the learned counsel appearing for the respondent submitted that the petitioner suspended the operation from 13.01.2012 to 06.05.2012 and they have to necessarily follow the procedure contemplated under the Industrial Disputes Act. Without doing so and denying wages to the workmen is not sustainable and the



W.P.No.7747 of 2022

said fact was properly adjudicated by the Labour Court.

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7.Heard the arguments advanced on either side and perused the materials available on record.

8.Admittedly, the petitioner suspended the operation from 13.01.2012 to 06.05.2012 and they have to necessarily follow the procedure contemplated under the Industrial Disputes Act. Without doing so, denying wages to the workmen is not sustainable and the said fact was properly adjudicated by the Labour Court, which warrants no interference.

9.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.03.2025

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

To

1.The Presiding Officer,
Labour Court, Hosur.

5/6



WEB COPY



W.P.No.7747 of 2022

M.DHANDAPANI,J.
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WEB COPY



W.P.No.7747 of 2022

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