



W.P.Nos.38381 of 2015 & 19774 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.38381 of 2015 & 19774 of 2013

and

MP.Nos.1 of 2013 & 1 of 2015 & WMP.No.31022 of 2016

W.P.No.38381 of 2015:

The Management of Rogini Mills,
(Now Known as Rohini Textile Industry Pvt. Ltd.)
Represented by General Manager,
Indiampalayam village, Arasur Post,
Sathyamangalam Taluk, Erode District.

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Salem.
2. The Secretary,
Periyar Panchalai Tholilalar Kalagam,
Main Road, Kasipalayam,
Govi., Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records from the file of the first respondent herein in I.D.No.156 of 2008 and quash its award dated 06.05.2015 passed therein.



W.P.Nos.38381 of 2015 & 19774 of 2013

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For Petitioner : Mr.S.Manikandan

For Respondents : Mr.K.V.Shanmuganathan, for R2
: R1 – Labour Court

W.P.No.19774 of 2013:

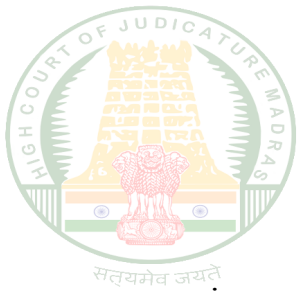
The Management of Rogini Mills,
(Now Known as Rohini Textiles Industries) Pvt. Ltd.,
Indiampalayam village, Arasur Post,
Sathyamangalam Taluk, Erode District – 638 454.

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Salem.
2. D.Ganesa Moorthy
3. I.Arokia Raj
4. P.Marimuthu
5. K.Saravana Kumar
6. N.Marisamy
7. V.Maheswaran
8. S.Prabu
9. V.P.Subramani
10. K.K.Senthil Kumar
11. N.Ponnusamy
12. I.R.Venkatachalam
13. K.P.Murugesan
14. T.Rajasekar
15. A.S.Sadhasivam
16. R.Vijeyandiran
17. M.Angappan
18. N.P.Palanisami
19. K.Murthy

...Respondents



W.P.Nos.38381 of 2015 & 19774 of 2013

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records from the first respondent herein and to quash the common order dated 02.04.2013 passed in C.P.No.23 of 2010 to 40 of 2010.

For Petitioner : Mr.S.Manikandan

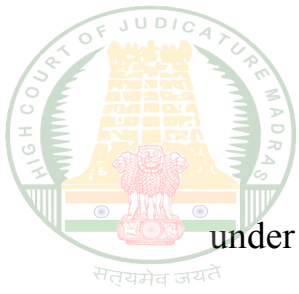
For Respondents : Mr.K.V.Shanmuganathan, for R3-5, 8, 9 & 11
: Mr.R.Marudhachalamurthy,
for R2, 6, 7, 10, 12, 13 & 16 to 19
: R1 – Tribunal

COMMON ORDER

Since the issue involved in both the Writ petitions are interconnected, they are disposed of by way of this common order.

2. These Writ petitions have been filed by the petitioner management seeking quashment of the common order dated 02.04.2013 passed in C.P.No.23 of 2010 to 40 of 2010 and the award dated 06.05.2015 made in ID.No.156 of 2008 respectively, both on the file of the Labour court, Salem.

3. It is the case of the petitioner management that it is engaged in the business of production of Yarn and it has been incorporated as a company



W.P.Nos.38381 of 2015 & 19774 of 2013

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under the Companies Act, 1956. To carry out its manufacturing activity, the petitioner Management employs different categories of workmen as classified in the Certified Standing Orders of the mills obtained under "The Industrial Employment (Standing Orders) Act, 1946. Workers numbering 23, whose names were figured in the annexure to G.O.(D)No.500 dated 21.11.2008 were employed as Permanent Workmen in different departments of the mills. While so, as the respondents 2 to 19 herein indulged in several misconducts, the Management initiated disciplinary proceedings. Whiles, the workers raised dispute with regard to partial lock out and demanding payment of bonus before the Conciliation Officer, wherein the parties were advised to approach the authorities concerned. The disciplinary proceedings initiated by the Management ended in dismissal of the workmen, vide order dated 19.08.2008, 29.08.2008 etc., and the Management simultaneously made an application seeking approval under Section 33(2)(b) of the ID Act for the action of dismissal before the Tribunal. However, without contesting the same, the workmen individually filed claim petitions in C.P.Nos.23 to 40 of 2010, claiming wages for the period from 01.09.2008 to 31.05.2010, @ Rs.5,200/- thus totalling to a sum of Rs.1,09,200/- to each worker as if they are deemed to be in service. The Labour Court allowed the said claim



W.P.Nos.38381 of 2015 & 19774 of 2013

petitions, vide order dated 02.04.2013, against which, the Management has filed the W.P.No.19774 of 2013.

3.1. As against the partial lock-out, the workers Union raised an industrial dispute in I.D.No.156 of 2008 and the Labour Court, vide its award dated 06.05.2015 directed the Management to pay the workmen the lock-out wages, leave wages, bonus and other benefits etc., for the period from 12.10.2007 onwards, against which, the Management had filed W.P.No.38381 of 2015.

4. Heard the learned counsel on either side and perused the entire materials available on record.

5. Though very many grounds have been raised, at the time of arguments, the learned counsel for the management submitted that, during the pendency of these Writ petitions, eight (8) out of eighteen (18) employees have entered into settlement with the management and the management had paid a sum of Rs.2,05,000/- each towards compensation as full quit in favour of the respondents 3, 4, 5, 8, 9, 11, 14 & 15. Further it is

5/8



W.P.Nos.38381 of 2015 & 19774 of 2013

agreed that the share of the said respondents in the amount that has been deposited by the management before the Labour court pursuant to the order of this Court may be withdrawn by the management. Hence, the learned counsel for the petitioner management fairly submitted that, the very same amount may be paid to the other respondents herein towards compensation.

6. Learned counsel appearing on behalf of the respective respondents have no objection for the said amount being paid to the other respondents /workmen as well.

7. In view of the fair submission made by the learned counsel appearing for the parties, this Court, directs the petitioner/management to pay a sum of Rs.2,05,000/- (Rupees Two Lakhs Five Thousand only) as compensation to the respondents 2, 6, 7, 10, 12, 13, 16, 17, 18 & 19/other workmen, in full quit, within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P.Nos.38381 of 2015 & 19774 of 2013

WEB COPY 8. In the light of the above settlement agreed between the parties, no further order is necessary in W.P.No.38381 of 2015 filed challenging the award of the Labour Court, Salem dated 06.05.2015 made in I.D.No.156 of 2008.

9. With the above observations and directions, these Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

19.03.2025

skt

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

To:

The Presiding Officer,
Labour Court,
Salem.

7/8



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W.P.Nos.38381 of 2015 & 19774 of 2013

M.DHANDAPANI, J.

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W.P.Nos.38381 of 2015 & 19774 of 2013
and
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19.03.2025