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W.P.No.14359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14359 of 2025

and

W.M.P.No.16171 of 2025

M/s.Kandasamy Spinning Mills Private Ltd.,
rep. by its Managing Director,
Suriyampalayam,
Bhavani Main Road, Vasavi College Post,
Erode Taluk, Erode District.

... Petitioner

Vs.

Muthusamy (died)
1.Rathinam
2.Maniprakash
3. Rupan
Dulasimani (died)
4.Gowri Sankar
Mani (died)
5.Jothi
6.Saravanan
7.Cithra
Kulanthaisamy (died)
8.Karunakaran
9.Kasilingam
10.Dhanalakshmi
Muthusamy (died)
11.Ammaniyammal



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- 12.Cithra
13. Karuppusamy
Ponnusamy (died)
- 14.Parisammal
- 15.Thambiraj
- 16.Ruthprakasi
- 17.Saroja
- 18.Manju
19. Madankumar
Rangasamy (died)
- 20.Meenachi
- 21.Radha
Ramasamy (died)
- 22.Baby
- 23.Yuvaraj
Dhanapal (died)
- 24.Selvi
- 25.Senthil
- 26.Pukalenth
Palanisamy (died)
- 27.Dhanalakshmi
- 28.Devagi
- 29.Suguna
- 30.Vengatesh
Subramani (died)
- 31.Palaniyammal
- 32.Vasanthi
- 33.Kanchana
- 34.Prabhu
- 35.Imaya
- 36.Valliyammal
Rajamanickam (died)
- 37.Gandhimathi
- 38.Ramesh
Subramaniyam (died)
- 39.Arukkani
- 40.Saravanakumar



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- 41.Mahalakshmi
- 42.Nirmala
- 43.Minor Subisksha rep by mother Nirmala
- 44.Minor Gurupranith rep by mother Nirmala
- Mani (died)
- 45.Saraswathi
- 46.Padmapriya
- 47.Sivalingam
- Thiyagarajan (died)
- 48.Leelavathi
- 49.Saravanan
- 50.Divya
- Kuppusamy (died)
- 51.Jagadeswari
- 52.Latha
- 53.Santhi
- Subramani (died)
- 54.Saraswathi
- 55.Palanisamy
- 56.Karuppasamy
- Suppu (died)
- 57.Rajamani
- 58.Bakiyaraj
- 59.Anandhajothe
- Babu @ Malaiyan (died)
- 60.Sirangayi
- 61.Latha
- 62.Dhavamani
- Gurusamy (died)
- 63.Lakshmi
- 64.Matheswaran
- 65.Karthick
- Rajendran (died)
- 66.Chinnathayi
- 67.Sivaraman
- 68.Sampuranam
- Muthusamy (died)



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- 69.Dhanasekaran
- 70.Velmurugan
Archunan (died)
- 71.Suguna
- 72.Nagaraj
- 73.Durga
Gopal (died)
- 74.Subbulakshmi
- 75.Priya
- 76.Nandhini
Rajendran (died)
- 77.Karpagam
- 78.Kanagavalli
- 79.Kalaivani
- 80.Ishwarya
Dulasimani(died)
- 81.Pungodi
- 82.Tamilmani
- 83.Valiyammal
Kathirvel (died)
- 84.Selvi
- 85.Mythili
- 86.Gomathi
- 87.Lakshmi
Munnusamy (died)
- 88.Vijaya
- 89.Sivakumar
- 90.Sasikumar
Loganathan (died)
- 91.Manimegalai
- 92.Manikandan
- 93.Santhosh
- 94.Anitha
Ramasamy (died)
- 95.Kanagavalli
- 96.Radha
Arumugam (died)



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- 97.Paripuranam
- 98.Kalaivani
- 99.Mano
- Murugesan (died)
- 100.Kandasamy
- Kesavan (died)
- 101.Rajalakshmi
- 102.Monika
- 103.Narendran
- Jayaraman (died)
- 104.Yasotha
- 105.Abinaya
- 106.Suriya
- Dhatchanaamoorthy (died)
- 107.Tamilselvi
- 108.Sandhiya
- Ganesan (died)
- 109.Manimegalai
- 110.Krishnakumar
- 111.Vengatesan
- Subramani (died)
- 112.Dhanapakiyam
- 113.Kalaivanan
- 114.Masiladevi
- Santhalingam (died)
- 115.Poongodi
- 116.Lakshna
- 117.Intharesh
- Ayyasami @ Ayyavu (died)
- 118.Madheswari
- 119.Jagadeeswaran
- 120.Prabakaran
- Sellavel (died)
- 121.Malliga
- 122.Soundaryavalli
- 123.Vasugi
- 124.Lakshmi



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Selvaraj (died)
125.Rajamani
126.Kanagaraj
Shanmuga (died)
127.Padmavathi
128.Anbarasi
129.Gunasangeetha
130.Valarmathi
Raju (died)
131.Kuppusamy
132.Shanmugam
133.Duraisamy
Mani @ Sellappan (died)
134.Kanchana
135.Manikam
136.Sathishkumar
137.Sangeetha
138.Karuppayi
Loganathan (died)
139.Tamilarasi
140.Vijay
141.Jeeva
Chandran (died)
142.Ambiga
143.Rajendran
Ramasamy (died)
144.Kuruvayi
145.Muruganantham
146.Saranya
Raju (died)
147.Sumathi
148.Sowmiya
149.Sandhiya
150.Pongiyammal
Periyasamy (died)
151.Rajathi
152.Sumathi



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- 153.Lalitha
Mayilsamy (died)
154.Rajamma
155.Kasthuri
156.Prakash
Jothimuthu (died)
157.Malarkodi
158.Tamilarasan
159.Tamilarasi
Govindasamy (died)
160.Pushpalatha
161.Deepanraj
Matheswaran (died)
162.Puvaneswari
163.Sathishkumar
164.Nirmal Kumar
Ramasamy (died)
165.Palaniyammal
166.Tamilselvi
167.Gunsekaran
Ganesan (died)
168.Vijaya
169.Hemalatha
170.Sarulatha
171.Dhanaprakash
Angukannan (died)
172.Anandkumar
173.Nithya

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned common order dated 01.02.2025 made in all the I.A.Nos.1 of 2024 filed in the respective I.D.Nos.89, 95, 99, 101 to 104, 106 to 111, 115, 121, 126, 129, 134, 156 to 158, 170, 171, 179, 197, 209,



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211, 212, 215, 221, 224, 227, 228, 243, 248, 252, 291, 300, 302, 306, 308, 309, 312, 326, 327, 333, 336, 359, 362, 368, 375, 376, 671, 672, 676 and 687 of 2004 on the file of the Presiding Officer, Labour Court, Salem quash the same.

For Petitioner : Mr.N.Manokaran

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records relating to the impugned common order dated 01.02.2025 made in all the I.A.Nos.1 of 2024 filed in the respective I.D.Nos.89, 95, 99, 101 to 104, 106 to 111, 115, 121, 126, 129, 134, 156 to 158, 170, 171, 179, 197, 209, 211, 212, 215, 221, 224, 227, 228, 243, 248, 252, 291, 300, 302, 306, 308, 309, 312, 326, 327, 333, 336, 359, 362, 368, 375, 376, 671, 672, 676 and 687 of 2004 on the file of the Presiding Officer, Labour Court, Salem and quash the same.

2. Since no adverse order has been passed against the respondents, notice to the respondents is dispensed with.



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3. The case of the petitioner is that, the petitioner mill was established in the year 1965 and it has the capacity of 12000 spindles with 27 frames. It was running two shifts with total strength of 100 workers. Periyar Mavatta Nool Aalai Thozhilalargal Sangam, Erode raised a charter of demands and the dispute was referred to the conciliation proceedings. Immediately, the union had issued a strike notice dated 27.08.1982 by announcing the strike from 11.09.1982 and the union had commencing the illegal strike prior to the date fixed. During strike and rioting, one Subramanian was murdered by the workers who had indulged within the mill. The police had arrested 188 workers belonging to the Sangam and Crime No.216 of 1993 was registered by SHO, Chithode P.S. Whiles, communication between Periyar Mavatta Nool Aalai Thozhilalargal Sangam and JC of Labour stating that strike notice was withdrawn and workers would report for duty. However, no workers reported for duty. The petitioner mill sent a communication to the Union stating that none of the workers had reported for duty. Thereafter, the workmen filed respective industrial disputes before the Labour Court claiming reinstatement and other benefits. There are series



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of litigation in between the petitioner and the workmen before this Court as well as the Supreme Court. During the pendency of the same, 56 workmen died, however, without disclosing the same, the counsels filed vakalath on their behalf before this Court as well as before the Supreme Court. Whiles, the legal heirs of the deceased workmen filed Interlocutory Applications in the respective I.D.s and the same was allowed vide impugned order dated 01.02.2025. Challenging the same, the petitioner has filed this writ petition before this Court.

4. Learned counsel for the petitioner submitted that the workmen have filed industrial disputes before the Labour Court claiming reinstatement and other benefits and the same is pending. Though there are series of limitation in between the petitioner and the workmen before this Court as well as the Supreme Court, however, during the pendency of the writ petition and the writ appeal in the Supreme Court, the workmen died. However, without disclosing the death of the workmen, the advocates continued to file Vakalath before this Court as well as the Supreme Court. After 20 years, the legal heirs filed application to represent the estate of the deceased workmen, however, without



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considering the limitation issue, the Labour Court allowed the I.A. in I.D., which is not sustainable, which adversely affect the interest of the petiitoner.

5. Heard the learned counsel for the petitioner and also perused the materials available on record.

6. Admittedly, the respective 56 workmen died during the pendency of the litigation before this Court and upto the level of Supreme Court and thereafter, the legal heirs of the deceased workmen filed I.A. No.1 of 2024 in the respective I.D. to implead them as legal heirs of the deceased workmen in the main case to get appropriate relief and the said application was allowed. Mere technical ground that the application for impleading the legal heirs cannot be rejected as someone has to represent the deceased workmen. In the present case, the legal heirs of the deceased workmen necessarily has to be given opportunity to represent the deceased workmen. The said issue was rightly appreciated by the Labour Court and allowed the respective interlocutory applications, which needs no interference.



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M.DHANDAPANI, J.

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7. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to canvass all those issues before the Labour Court. Further, the Labour Court is directed to dispose of the industrial disputes filed by the workmen as expeditiously as possible. No costs. Consequently, the connected writ miscellaneous petition is closed.

24.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To
The Presiding Officer, Labour Court, Salem.

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