



W.P.No.15376 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

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

W.P.No.15376 of 2018

and

W.M.P.Nos.18272 of 2018 and 5553 of 2022

The Management of RSB Transmissions India Limited,
G23, G24, Sipcot Industrial Park,
Katrambakkam, Irrugattukottai,
Sriperumbudur,
Kancheepuram District - 602 105.

...Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai – 600 104.
2. United Labour Federation,
Rep. by its Secretary,
No.149, IV Floor, C.J.Complex,
Thambu Chetty Street,
Chennai – 600 001.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the Award of the 1st respondent, dated 07.05.2018 passed in I.D.No.318 of 2012 to quash the order.



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For Petitioner : Mr. S. Silambanan Sr. Counsel for
Mr.K.Rangesh for
M/s.Jayaraman and Associates

For Respondents : Mr.V. Prakash Sr. Counsel for
M/s.P.Ganeshram for R2
R1 -labour Court

ORDER

This Writ petition has been filed to quash the Award of the 1st respondent, dated 07.05.2018 passed in I.D.No.318 of 2012.

2. The case of the petitioner is that the petitioner union had entered into a bi-partite settlement u/s.18(1) of the Industrial Disputes Act, 1947 on 09.07.2010. Aggrieved by the same, the members of the second respondent Trade Union indulged in various illegal activities and 29 number of workmen made serious allegations against the Deputy General Manager and Security Officer vide written complaints dated 23.11.2010 and 25.11.2010. Upon inquiry, the management came to know that the above allegations were baseless. Hence, the management sought an undertaking from the above said workmen vide its notice dated 29.11.2010 and suspended them from work, during which time, the management has also paid wages to the workmen. However, all the 29



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workmen have vacated their place of residences and the present whereabouts of the workmen were not known. Though the Management directed them to report for duties by giving the undertaking as sought by them, they deliberately refused to report to duty. Thereby, the management stopped paying wages and initiated disciplinary proceedings as against the respective workmen. When the above said demand of undertaking by the management was challenged by the second respondent in I.D.No.319 of 2012, the Labour Court had passed an Award on 07.05.2018 directing the petitioner / Management to reinstate them without imposing any conditions with continuity of service and other attendant benefits along with full back wages. Challenging the same, the present writ petition has been filed.

3. The learned Senior counsel appearing for the petitioner / management submits that during the pendency of this writ petition out of 29 workmen, 17 workmen were settled by way of compensation and out of 12 workmen, 11 of them were reinstated except one Winsingh. However, the learned senior counsel for the petitioner upon instructions restricted his prayer and submitted that the petitioner management is ready to reinstate the said Winsingh with continuity of service without



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any backwages and the wages will be fixed on par with other employees.

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4. The learned Senior counsel appearing on behalf of the second respondent has also not disputed the submission made by the learned senior counsel appearing on behalf of the petitioner.

5. Heard the learned senior counsel for the petitioner and the learned senior counsel appearing for the second respondent and perused the materials placed on record.

6. In view of the consent expressed by the learned Senior counsels appearing for the petitioner and the second respondent, this court, without going into the merits of the case, directs the petitioner / management to reinstate the said Winsingh with continuity of service within a period of two (2) weeks from the date of receipt of a copy of this order. However, the said Winsingh is not entitled for any backwages. It is made clear that the management shall fix the wages on par with other workmen. If the petitioner management fails to adhere to the aforesaid direction, the petitioner management is directed to pay backwages in favour of the respondent / workmen.



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

To

1. The Presiding Officer,
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M.DHANDAPANI., J.

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