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W.P.No.5072 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5072 of 2014

And

M.P.No.1 of 2014

The Management of
Hindustan Unilever Limited
rep. by its Senior Legal Executive

... Petitioner

Vs.

1.The Presiding Officer,
I Additional Labour Court,
Chennai.

2.S.Tajudeen

3.The Management of
KICM (Madras) Ltd.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in C.P.No.1144 of 2010 and quash its order dated 13.09.2013.

For Petitioner : Mr.Anand Gopalan
for M/s.Agam Legal

For Respondents : R1 – Court
R2 – No Appearance
Mr.R.Subramanian for R3



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent in C.P.No.1144 of 2010 and quash its order dated 13.09.2013.

2.The learned counsel appearing for the petitioner submitted that the petitioner is a public limited company having its registered office at Mumbai. M/s.Ponds (India) Limited had mushroom factory at Nilgiris and during March, 1998, M/s.Ponds (India) Limited merged with the petitioner and during the year 2002, the mushroom business was transferred to the third respondent which was a subsidiary of the petitioner. On 24.07.2003 by a memorandum of understanding, the petitioner sold the entire share of the third respondent to Mr.Ramana Epparla and Mrs.Siva S.Epparla and the petitioner completely snapped its relationship with the third respondent and Mr.Ramana Epparla became the Director of the third respondent.

3.The learned counsel appearing for the petitioner further submitted that on account of these transactions, all the employees were transferred to the respective legal entities with all their service conditions being protected. The second respondent joined the service



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of M/s.Ponds (India) Limited during 1980 and became an employee of the petitioner on 15.10.1998 and from 01.07.2002, he became the employee of the third respondent. On 24.08.2005, the second respondent resigned the job and the same was accepted by the third respondent on 19.11.2005.

4.The learned counsel appearing for the petitioner further submitted that the second respondent filed claim petition in C.P.No.1144 of 2010 under Section 33-C(2) of the Industrial Disputes Act as against the third respondent and the petitioner, before the first respondent claiming computation of Rs.2,68,773/- due to him and the first respondent passed the impugned order directing the respondents therein to pay a sum of Rs.1,12,005/- to the second respondent.

5.The learned counsel appearing for the petitioner further submitted that on 24.07.2003 by a memorandum of understanding, the petitioner sold the entire share of the third respondent to Mr.Ramana Epparla and Mrs.Siva S.Epparla and the petitioner completely snapped its relationship with the third respondent. The second respondent also sent various letters to the third respondent



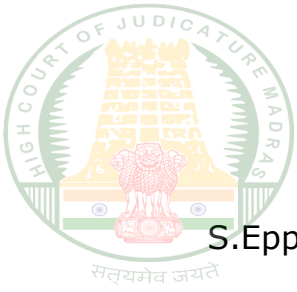
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requesting for settlement and the same were marked as Ex.P.10, Ex.P.11, Ex.P.12, Ex.P.13, however, the first respondent inadvertently passed the impugned order, which is not sustainable one.

6.The learned counsel appearing for the third respondent submitted that admittedly the second respondent was an employee with the petitioner and on 24.07.2003 there was a memorandum of understanding between the petitioner and Mr.Ramana Epparla and the petitioner sold the entire share of the third respondent to Mr.Ramana Epparla and now Mr.Ramana Epparla is the Director of the third respondent.

7.Heard and perused the materials available on record.

8.Admittedly, the second respondent joined the service of M/s.Ponds (India) Limited during the year 1980. During March, 1998, M/s.Ponds (India) Limited merged with the petitioner and during the year 2002, its mushroom business was transferred to the third respondent which was a subsidiary of the petitioner. On 24.07.2003 by a memorandum of understanding, the petitioner sold the entire share of the third respondent to Mr.Ramana Epparla and Mrs.Siva



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S.Epparla pursuant to which, Mr.Ramana Epparla became the Director of the third respondent.

9.Perusal of Ex.P9 – relieving order dated 19.11.2005 reveals that Mr.Ramana Epparla relieved the second respondent from service with effect from 19.11.2005 and also directed the second respondent to contact the third respondent's personal department for settlement of the dues. Subsequently, the second respondent contacted the third respondent for settlement of the dues which is evident from Ex.P.10, Ex.P.11, Ex.P.12, Ex.P.13. When the second respondent himself contacted the third respondent for settlement of dues and when Mr.Ramana Epparla has directed the second respondent to contact the third respondent's personal department for settlement of the dues, the first respondent directing the petitioner Management to settle the dues is not sustainable one.

10.In view of the above, the order of the first respondent dated 13.09.2013 made in C.P.No.1144 of 2010 is set aside insofar as the petitioner is concerned. The third respondent is directed to pay the amount of Rs.1,12,005/- along with interest at the rate of 6% p.a., from the date of claim petition till the date of actual payment to the



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second respondent, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is permitted to withdraw the amount if any, already deposited before the first respondent.

11.The writ petition is allowed on the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

14.03.2025

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

To

1.The Presiding Officer,
I Additional Labour Court,
Chennai.

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