



W.P.No.41433 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM :

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

W.P.No.41433 of 2016

and

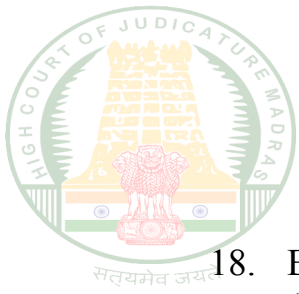
WMP.Nos.35406 & 35407 of 2016 and 22054 & 22055 of 2017

The Management of
Hybro Chains Private Limited,
Ranipet.

...Petitioner

Vs.

1. The Presiding Officer,
Additional Labour Court,
Vellore District, Vellore.
2. N.Gunasekaran
3. S. Baskaran
4. G.Kathavarayan
5. P.Dayalan
6. M.Jayavelu
7. P.Jayapal
8. L.Babu (*Deceased*)
9. M.Karuppiah
10. V.Desingu
11. P.Mani (*Deceased*)
12. V.Mathiazhagan
13. P.Ravi
14. K.Munuswamy
15. B.Renuka
16. B.Balaji
17. B.Latha



W.P.No.41433 of 2016

18. B.Prabhu

(R15 to 18, substituted as LR's of deceased R8, vide order dated 25.04.2024 made in WMP.No.31272 of 2022 in W.P.No.41433 of 2016.)

19. M.Prema

20. M.Shanmugam

21. Nirmala

(R19 to 21, substituted as LR's of deceased R11, vide order dated 25.04.2024 made in WMP.No.31269 of 2022 in W.P.No.41433 of 2016.)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari/Mandamus calling for the records on the file of the First Respondent relating to the impugned order dated 30.06.2011 in C.P.No.41 of 2009 and quash the same and consequently, forbear the First respondent from proceeding with the execution in E.P.No.97 of 2014 in C.P.No.41 of 2009.

For Petitioner : Mr.R.Arumugam

For Respondents : R1 – Court
: Mr.A.Deivasigamani, for R2 to R21

ORDER

This Writ Petition has been filed seeking quashment of the order of the 1st respondent dated 30.06.2011 in made C.P.No. 41 of 2009 and to consequently, forbear the 1st respondent from proceeding with the execution in E.P.No.97 of 2014 in C.P.No.41 of 2009.



W.P.No.41433 of 2016

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2. The case of the petitioner-management is that the petitioner company had established a small factory at SIPCOT industrial complex, Ranipet, which was involved in the manufacture of Industrial and Automatic chains by employing 48 workers. However, the said factory ceased its operations and was permanently closed on 09.01.2003 due to financial crisis and want of orders and the petitioner retrenched its workers in the year 1998. The said closure was also confirmed, vide letter of the Tamil Nadu Pollution Control board, Vellore dated 24.02.2005 and letter dated 24.11.2010 issued by the Inspector of Factories. Despite the same, the respondents 2 to 14 filed a computation petition in C.P.No.41 of 2009 before the 1st respondent claiming backwages, bonus and leave salary to the tune of Rs.27,26,529/- for the period from 01.04.2004 to 31.03.2009 which is after the closure of the factory and the same was also allowed by the 1st respondent, vide order dated 30.06.2011, despite the evidence showing that the factory had ceased to exist. Subsequently, the execution petition was filed before the 1st respondent in E.P.No.97 of 2014 in C.P.No.41 of 2014 and the same was allowed by the 1st respondent ordering for attachment of the closed



W.P.No.41433 of 2016

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factory, vide docket order dated 06.10.2016. Aggrieved by the same, the petitioner has filed the present Writ Petition.

3. Learned counsel for the petitioner submitted that the petitioner factory was closed as early as on 09.01.2003 and as on date, the factory is not functioning. However, the learned counsel for the petitioner, on instructions, fairly submitted that the petitioner is ready to pay 50% of the compensation amount awarded by the labour court in favour of each of the workmen.

4. Per contra, the learned counsel appearing on behalf of the respondents 2 to 21 submitted that without challenging the award dated 20.11.2003 passed in original disputes in I.D.Nos.291 to 304 of 2000, challenging the subsequent order passed in C.P.No.41 of 2009 is not sustainable. However, learned counsel, on instruction submitted that, the award is of the year 2003 and the subsequent order in the Computation petition is of the year 2011. Hence, it would suffice, if this Court orders for appropriate interest for the award amount ordered by the labour court.



W.P.No.41433 of 2016

WEB COPY

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

6. Though very many grounds have been raised by the learned counsel on either side, in view of the fair submission made by the learned counsel on either side and also considering the fact that the petitioner's factory itself was closed as early as in the year 2003, this Court directs the petitioner to pay 50% of the amount awarded by the labour court in favour of the workmen/the respondents 2 to 14, as full quit compensation within a period of four weeks from the date of receipt of a copy of this order.

7. It is brought to the notice of this Court that, pending writ petition, the 8th and 11th respondents passed away and the respective legal heirs were brought on record as respondents 15 to 21 and thereby, the petitioner is directed to pay the aforesaid amount in respect of the 8th and 11th respondents in favour of their respective LRs.



W.P.No.41433 of 2016

WEB COPY

8. Further, it is made clear that, the present order applies only to C.P.No.41 of 2009 which is under challenge before this court and the same does not apply to C.P.No.529 of 2004, which is not challenged before this Court.

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

19.03.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

The Presiding Officer,
Additional Labour Court,
Vellore District,
Vellore.



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W.P.No.41433 of 2016

M.DHANDAPANI, J.

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