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W.P.No.16879 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16879 of 2019

And

W.M.P.No.16468 of 2019

1.P.Paulraj
2.M.Nagalingam
3.M.Ganesh
4.P.Muneeswaran
5.S.Jayakumar
'Five Men Committee'
Representing all the Permanent Workers
of Amzen Machines Pvt. Ltd.,

... Petitioners

Vs.

- 1.Government of Tamilnadu
Rep. by its Principal Secretary
Labour and Employment Department
Fort St.George,
Chennai – 9.
- 2.The Commissioner of Labour,
DMS Campus
Teynampet,
Chennai – 18.
- 3.The Deputy Commissioner of Labour – II
(Conciliation)
O/o.of the Commissioner of Labour
DMS Campus
Teynampet,
Chennai – 18.



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4.The Assistant Commissioner of Labour (Conciliation), SIPCOT
Irungattukottai,
Kancheepuram District – 602 105.

5.Amzen Machines Private Ltd.

6.The Deputy General Manager/ Plant Head,
Amzen Machines Private Ltd. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to initiate criminal action against the 5th and 6th respondents and their officials, including the Managing Director of the 5th respondent and the Plant Head of the 6th respondent Factory, under Sections 30(A) and 32, read with Section 34 of the I.D.Act, for closing down the 6th respondent factory, without issuing notice under Section 25(FFA) of the I.D.Act and for retrenching the services of 59 workmen, without complying with Section 25(FFF), read with Section 25(F) of the I.D.Act by filing a complaint under Section 34 of the I.D. Act before the competent Magistrate's Court either on their own or through their authorized person and to direct the 5th and 6th respondents, to re-open the 6th respondent factory and to reinstate all the 59 workers, with continuity of service, backwages and all other attendant benefits and also to pay



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them the earned salary for the months of February and March 2019, award costs.

For Petitioners : Mr.V.Ajoy Khose

For Respondents : Mr.K.Surendran for R1 to R4
Additional Government Pleader
Mr.J.Jamesh for R5
R6 – NRN

ORDER

This writ petition has been filed seeking issuance of Writ of Mandamus directing the first respondent to initiate criminal action against the respondents 5 and 6 and their officials, including the Managing Director of the fifth respondent and the Plant Head of the sixth respondent Factory, under Sections 30(A) and 32, read with Section 34 of the I.D.Act, for closing down the sixth respondent factory, without issuing notice under Section 25(FFA) of the I.D.Act and for retrenching the services of 59 workmen, without complying with Section 25(FFF), read with Section 25(F) of the I.D.Act by filing a complaint under Section 34 of the I.D. Act before the competent Magistrate's Court either on their own or through their authorized person and to direct the respondents 5 and 6, to re-open the sixth



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respondent factory and to reinstate all the 59 workers, with continuity of service, backwages and all other attendant benefits and also to pay them the earned salary for the months of February and March 2019.

2.The learned counsel appearing for the petitioners submitted that the second petitioner made representation dated 27.04.2019 pointing out the statutory violations and commission of offence by the respondents 5 and 6 to the first respondent with copy marked to the other official respondents, however, there is no response and further submitted that this Court, without going into the merits of the case, may issue direction to the first respondent to consider the second petitioner's representation dated 27.04.2019 and to pass appropriate orders.

3.Considering the limited request made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the second petitioner's representation dated 27.04.2019, on merits and in accordance with law and pass appropriate orders after providing opportunity to the respondents 5 and 6, within a period of twelve weeks from the date of receipt of a copy of this order, if not



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already considered.

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4.The writ petition is disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

01.04.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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