



W.P.No.23626 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23626 of 2019

and

W.M.P.No.23440 of 2019

Kallakurichi I Co-Op Sugar Mill
Dhina Coolie Thozhilnutpa Thozhilalar Nala Sangam,
(Reg No.252/VPM),
Moongilthuraipattu,
Sankarapuram Taluk,
Villupuram District – 605 702.
Represented by its President
M.Venkatesan

... Petitioner

Vs.

The Managing Director,
Kallakurichi I Co-Op Sugar Mill,
Moongilthuraipattu,
Sankarapuram Taluk,
Villupuram District – 605 702.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the Principal Labour Court, Vellore relating to the Award dated 30.11.2018 in I.D.No.184 of 2015 to quash the same and issue consequential directions, directing the respondent to frame a scheme by which the member of the petitioner Sangam be brought as NMR's cadre-wise based on their educational and technical qualification and absorb



W.P.No.23626 of 2019

their services in regular existing and future vacancies strictly in accordance with their seniority and in cases where no qualification is required, the management should utilize the services of the members of the petitioner sangam alone as NMR and under no circumstances the management goes out to recruit fresh hands.

For Petitioner : Mr.Balan Haridas
for M/s.J.Muthukumaran

For Respondent : M/s.R.Balaramesh

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records of the Principal Labour Court, Vellore relating to the Award dated 30.11.2018 in I.D.No.184 of 2015 to quash the same and issue consequential directions, directing the respondent to frame a scheme by which the member of the petitioner Sangam be brought as NMR's cadre-wise based on their educational and technical qualification and absorb their services in regular existing and future vacancies strictly in accordance with their seniority and in cases where no qualification is required, the management should utilize the services of the members of the petitioner sangam alone as NMR and under no circumstances the management goes out to recruit fresh hands.



W.P.No.23626 of 2019

WEB COPY

2. The case of the petitioner is that, to appoint the beneficiaries of the petitioner's union who have been working for more than 18 years in the respondent sugar mills as piece rate employees in the available vacancies as NMR as per seniority and to give employment to the daily wagers continuously, they have raised an industrial dispute u/s 2(k) of the Industrial Disputes Act, 1947 (in short 'the Act') before the labour court in I.D.No.184 of 2015 and the labour court dismissed the same vide impugned award dated 30.11.2018 by citing the decision of the Hon'ble Apex Court in the case of *A.Umarani Vs. Registrar, Cooperative Societies and Ors.* Challenging the same, the present writ petition has been filed.

3. Though very many grounds have been raised in this writ petition, however, when the matter is taken up for hearing today, learned counsel appearing for the petitioner submitted that, without going into the merits of the case, this Court may grant liberty to the petitioner union or the individual workman to workout the remedy before the appellate authority in the manner known to law.



W.P.No.23626 of 2019

WEB COPY

4. In view of the limited request sought for by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order, grants liberty to the petitioner-union/individual workman to workout the remedy in the manner known to law. The period pending before the labour court and this court is excluded for the purpose of limitation. However, this order will not stand in the way of the respondent-mill to engage the members of the petitioner-union in the original position.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



W.P.No.23626 of 2019

WEB COPY To

The Managing Director,
Kallakurichi I Co-Op Sugar Mill,
Moongilthuraipattu,
Sankarapuram Taluk,
Villupuram District – 605 702.



WEB COPY



W.P.No.23626 of 2019

M.DHANDAPANI, J.

sp

W.P.No.23626 of 2019

02.04.2025