



WEB COPY

WP No. 45906 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 45906 of 2025
& WMP NO. 51186 OF 2025**

Metkem Silicon Employees Union (SLM- 605)
14/260, Shanmuga Nagar,
Near Samathuvapuram, Mettur Taluk, Salem
District- 636 404.

Petitioner(s)

Vs

1. The Commissioner of Labour
No.240, DMS Campus, Anna Salai,
Teynampet West, Chennai-06.
- 2.The Deputy Commissioner of Labour
Salem
- 3.The Assistant Commissioner of Labour
(Conciliation) DCL, 1st Floor, Gorimedu,
Salem- 636 008
- 4.The Employment Officer
Government of Employment Exchange,
Gorimedu, Salem-636 008.
- 5.The Director Of Industrial Safety And Health
Government of Tamil Nadu, Salem.
- 6.The Vice President (P And A)
Chemplast Sanmar Limited, Plant IV,
Raman Nagar Post, Mettur Dam 636 403.

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari Mandamus, calling for the records of the 5th respondent dated 5.04.2022 in registration No. SLM03168 and quash the same.



For Petitioner(s): Mr.B.Kumarasamy
For Respondent: Ms.P.Aishwarya, GA RR1 to 5

WEB COPY

ORDER

This petition has been filed seeking to quash the order passed by the 5th respondent dated 5.04.2022 in registration No. SLM03168.

2. It is the case of the petitioner that he is the secretary of the petitioner Union. 40 employees of the society are the permanent employees of the 6th respondent plant IV. The employees had put forth some reasonable demands before the 6th respondent in respect of some wage revision and bonus on 22.09.2007 and conciliation proceedings were conducted and conciliation proceedings were conducted before the Labour Welfare Officer, Salem in Na.Ka.No.751/2007 and failure report was submitted by the Labour Welfare Officer to the Government on 11.12.2007 due to the matter that no amicable settlement was reached between them. In the meanwhile, the 6th respondent dismissed all the 40 employees on 04.12.2007 from service without following the frame work of the ID Act. The employees preferred claim petition before the Labour Court, Salem and obtained award on 17.08.2019. Against the said award, the 6th respondent filed a writ petition before this Court in WP.No.2948 of 2020 and the same was dismissed on 02.04.2025. It is the further case of the petitioner that the 6th respondent has settled some amount to 30 employees.



According to Form R3 dated 24.12.2012 submitted by the Management before the Secretary to the Government, it is mentioned that the reason for closure of the company is due to the market situation. Whereas the 6th respondent was subjected to the cross examination on 20.10.2024 before the JM-II. Mettur in CC.No.37/2014, deposed that only due to the illegal strike made by the employees the company is closed which is quite contrary to the reasons stated in the Form 3. It is submitted that all the license of the company has been renewed from the year 2012 to 2022 before the 5th respondent and further the license has been renewed from 05.04.2022 to 31.12.2027 by paying renewal fee of Rs.16,80,000/- on 05.04.2022. Apart from renewing the license, the 6th respondent has installed a huge chemical plant and running the same in the same premises. Therefore, the petitioner Union has made a representation on 11.09.2025 to the respondents 1,3 & 4 praying to revoke the license issued in favour of the 6th respondent and the same is not considered. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that by submitting the incorrect information, 6th respondent obtained a license for running the factory which is not sustainable. Till date, the 6th respondent has not settled the terminal benefits to some of the employees.

4. Heard the learned counsel for both side and perused the materials



available on record. Since no adverse order is passed against the 6th respondent, notice to the 6th respondent is dispensed with.

WEB COPY

5. On perusal of the entire records, it is seen that there was an Industrial Dispute between the members of the petitioner Union and the 6th respondent. Ultimately, an award was passed in favour of the employees and the same was upheld by the learned Single Judge of this Court and there was a conviction as against some of the employees and the same has acquitted by the trial Court. As against the acquittal, an appeal is pending before this Court. In the meanwhile, the petitioner has filed a writ petition for cancellation of license issued in favour of the 6th respondent. Such a prayer sought by the petitioner cannot be granted. The present labour issue cannot be a ground for cancelling the license obtained by the 6th respondent.

6. With the above directions, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

28-11-2025

rli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

- 1.The Commissioner Of Labour
No.240, Dms Campus, Anna Salai,
Teynampet West, Chennai-06.
- 2.The Deputy Commissioner Of Labour
Salem
- 3.The Assistant Commissioner Of
Labour
(conciliation) Dcl, 1st Floor,
Gorimedu, Salem- 636 008
- 4.The Employment Officer
Government Of Employment
Exchange, Gorimedu, Salem-636 008.
- 5.The Director Of Industrial Safety And
Health
Government Of Tamil Nadu, Salem.
- 6.The Vice President (p And A)
Chemplast Sanmar Limited, Plant Iv,
Raman Nagar Post, Mettur Dam 636
403.



WEB COPY

WP No. 45906 of 2025



M.DHANDAPANI J.
rli

WP No. 45906 of 2025

28-11-2025