



W.P.No.26328 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM :

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

W.P.No.26328 of 2018

and

WMP.No.30589 of 2018 & M.P.Nos.21589, 21582, 23603, 21591, 28512,
23608, 23606, 21590, 21587 & 21579 of 2019

V.Publishing Solutions (P) Ltd.
Rep by its Managing Director,
(Formerly known as Vikatan Publishing Solutions P Ltd)
No.SP-7-A III Floor, Guindy Industrial Estate,
Chennai – 600 032.

...Petitioner

Vs.

1. I.Justin Domnic Savio
2. P.Amalan Prabhu
3. D.Nehru
4. J.Venkatesh
5. G.Ravindranath
6. J.Edwin Soosai
7. K.Ravichandran
8. S.Selvam
9. V.Sridhar
- 10.R.Shanmugam

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari, to call for the records on the file of the 3rd Additional Labour Court, Chennai connected with I.D.Nos.230 to 239 of



W.P.No.26328 of 2018

2012 and quash the order dated 13.07.2018.

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For Petitioner : Mr.A.Ganapatheeswaran

For Respondents : M/s.Arun Shabari.K.R

ORDER

Unhappy with the award passed by the Additional Labour Court, Chennai in I.D.Nos.230 to 239 of 2012 dated 13.07.2018 the present writ petition has been filed by the management.

2. By way of the said award the Labour Court has directed the petitioner management to reinstate the respondents and also pay full back wages and other attendant benefits. A further direction was also given to the petitioner not to effect any transfer on the respondents. These directions have spurred the petitioner to come forward with this writ petition.

3. It is the case of the respondents that they were transferred within the sister concern of the petitioner publication. Though the respondents expressed their difficulties, the management had refused to lend its ears which has resulted in conciliation proceedings. The conciliation proceedings ended in failure which gave birth to the flare of the present industrial dispute. The



W.P.No.26328 of 2018

Labour Court on an analysis of the entire materials available on record passed an elaborate award directing reinstatement, continuity of wages and also restraining petitioner management effecting transfer of any of the respondents.

4. When this writ petition came up for admission, learned counsel for the petitioner management submitted that eventhough the petitioner is willing to accommodate the respondents, it is the respondents who have refused to join duty. Considering the said statement and also finding that similar averment was raised in the counter affidavit filed before the Labour Court, this Court granted interim stay vide an order dated 08.10.2018. It is seen from the records that till 17.10.2019 the same situation continued and the respondents have not joined duty. Before this Court, the learned counsel appearing for workmen submitted that the workmen would be joining duty on 21.10.2019 and the management was directed to promote them to join duty. Subsequently, the matter was referred to mediation. Mediation report dated 18.11.2024 is submitted wherein it is stated that “*mediation completed no agreement was reached*”.



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5. When the matter was taken up for adjudication, the learned counsel for the petitioner submitted that the management is willing to offer compensation to the respondents in full quit.

6. Considering the nature of dispute between the parties and that there are allegations and counter allegations with regard to joining the services again, this Court is of the view that the petitioner management could be directed to pay compensation to the respondents workmen in lieu of reinstatement and other attendant benefits.

7. In the result the writ petition is disposed of with the following order.

(i) The petitioner is directed to pay a sum of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand Only) in respect of respondents 1 to 8.

(ii) The petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the respondent No.9.

(iii) As regards respondent No.10, the petitioner shall pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only).



W.P.No.26328 of 2018

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(iv) Above said sum is paid in full quit to the respondents / workmen. It is made clear that the respondents / workmen would not be entitled for any other relief.

(v) The respondents are permitted to withdraw the Provident Fund amount already deposited.

8. The writ petition stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.04.2025

rap
NCC : Yes/No
Index : Yes/No

M.DHANDAPANI, J.

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W.P.No.26328 of 2018

WEB COPY

To:

The 3rd Additional Labour Court, Chennai

W.P.No.26328 of 2018

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