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W.P.No.34197 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34197 of 2018

The General Secretary,
Salem Mandala Anathu Paniyalargal Sangam ... Petitioner

Vs.

- 1.The Presiding Officer,
Labour Court,
Salem.
- 2.The Management,
Bannariamman Sugars Ltd.,
Granite Processing Division,
Alathukombai,
Sathyamangalam – 638 401
Erode District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to I.D.No.125 of 2013 on the file of the first respondent and quash the award dated 06.04.2017 passed by the first respondent dismissing the same and further direct the second respondent to reinstate the petitioner in service at Alathukombai granite processing division owned by it with full backwages, continuity of service and all attendant benefits.



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For Petitioner : Mr.K.V.Shanmuganathan
For Respondents : R1 – Court
Mr.R.Parthasarathy for R2

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to I.D.No.125 of 2013 on the file of the first respondent and quash the award dated 06.04.2017 passed by the first respondent dismissing the same and further direct the second respondent to reinstate the petitioner in service at Alathukombai granite processing division owned by it with full backwages, continuity of service and all attendant benefits.

2.The learned counsel appearing for the petitioner submitted that one S.Sakthivel, a member of the petitioner union was transferred from Alathukombai Granite Processing Division to Krishnagiri Granite Quarry Division and since the said transfer was vindictive in nature, the petitioner union raised industrial dispute in I.D.No.125 of 2013 seeking to set aside the transfer order, however, the said industrial dispute was dismissed by the Labour Court, which is not sustainable one.



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3.The learned counsel appearing for the second respondent submitted that one S.Sakthivel, is a member of the petitioner union and an employee of the second respondent. The learned counsel further submitted that for administrative reason, the said S.Sakthivel was transferred from Alathukombai Granite Processing Division to Krishnagiri Granite Quarry Division, for which, the petitioner union raised industrial dispute before the Labour Court and since the petitioner union is not recognized by the second respondent, the industrial dispute raised by the petitioner union is not maintainable and hence the Labour Court, dismissed the industrial dispute raised by the petitioner union, which warrants no interference.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.Perusal of records reveal that one S.Sakthivel, is a member of the petitioner union and an employee of the second respondent. For administrative reason, the said S.Sakthivel was transferred from Alathukombai Granite Processing Division to Krishnagiri Granite Quarry Division, for which, the petitioner union raised industrial dispute before



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M.DHANDAPANI,J.
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the Labour Court and since the petitioner union is not recognized by the second respondent, the industrial dispute raised by the petitioner union is not maintainable and hence the Labour Court, dismissed the industrial dispute raised by the petitioner union, which warrants no interference.

6.The writ petition is dismissed. No costs.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Presiding Officer,
Labour Court,
Salem.

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