



W.P.(MD) Nos.10055 to 10059 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.10055 to 10059 of 2022

and

W.M.P.(MD) Nos.7155, 7161, 7171, 7175 and 7167 of 2022

W.P.(MD) No.10055 of 2022:

The Management,
Vaigai Fine Tex,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Petitioner

Vs.

1.K.Saravanan

2.The Management,
A.C.V. Products Private Ltd.,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed



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by the Labour Court, Tiruchirappalli (Dindigul Camp Case) in Computation Petition No.45 of 2013, dated 31.12.2021 and quash the same.

W.P.(MD) No.10056 of 2022:

The Management,
Vaigai Fine Tex,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk, Dindigul District.

... Petitioner

Vs.

1.K.Vetrivel

2.The Management,
A.C.V. Products Private Ltd.,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the Labour Court, Tiruchirappalli (Dindigul Camp Case) in Computation Petition No.49 of 2013, dated 31.12.2021 and quash the same.

W.P.(MD) No.10057 of 2022:

The Management,
Vaigai Fine Tex,



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110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Petitioner

Vs.

1.C.S.Justin Thiravaiyam

2.The Management,
A.C.V. Products Private Ltd.,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the Labour Court, Tiruchirappalli (Dindigul Camp Case) in Computation Petition No.47 of 2013, dated 31.12.2021 and quash the same.

W.P.(MD) No.10058 of 2022:

The Management,
Vaigai Fine Tex,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk, Dindigul District.

... Petitioner

Vs.

1.K.Vaiyapuri



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2.The Management,
A.C.V. Products Private Ltd.,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the Labour Court, Tiruchirappalli (Dindigul Camp Case) in Computation Petition No.46 of 2013, dated 31.12.2021 and quash the same.

W.P.(MD) No.10059 of 2022:

The Management,
Vaigai Fine Tex,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Petitioner

Vs.

1.C.Bojan

2.The Management,
A.C.V. Products Private Ltd.,
110D, Salaipudur Road,
Kodanginaickenpatti Post,
Nilakottai Taluk,
Dindigul District.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the Labour Court, Tiruchirappalli (Dindigul Camp Case) in Computation Petition No.48 of 2013, dated 31.12.2021 and quash the same.

In all cases

For Petitioner : Mr.V.O.S.Kalaiselvam
For Respondents : Mr.K.K.Samy – for R1
: Mr.S.I.Muthiah – for R2

COMMON ORDER

The issue that arise for consideration in all these batch of writ petitions as well as the order impugned is one and the same and as such, all the writ petitions are taken up for consideration together and are being disposed of by this common order.

2. Heard Mr.V.O.S.Kalaiselvam, learned counsel for the petitioner, Mr.K.K.Samy, learned counsel for the Respondent No.1 in the respective writ petitions and Mr.S.I.Muthiah, learned counsel for the Respondent No.2.



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3. Respondent No.1 in all these writ petitions worked as permanent employees of the petitioner-Mill and all of them were dismissed from service orally resulting in initiation of industrial disputes *vide* I.D.Nos.110/2004, 107/2004, 109/2004, 97/2004 and 108/2004. All the said industrial disputes were allowed by a common order dated 30.10.2009 along with batch of industrial disputes by the learned Labour Court, Tiruchirappalli directing reinstatement of the Respondent No.1 into duty without backwages. However, the respondent-workmen were not reinstated into duty. In the meanwhile, the petitioner-Mill has sold its entire assets including machineries, premise etc., in favour of the Respondent No.2. As a consequence, the respondent-workmen herein filed claim petitions before the learned Labour Court, Tiruchirappalli under Section 33C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as “the I.D. Act”) claiming for work and wages from 31.10.2009 to 29.04.2012 at the rate of Rs.1,59,895/- each to the Respondent No.1 in the respective writ petitions.

4. It is the specific case of the respondent-workmen that in spite of they approaching the petitioner-Mill immediately after passing of the award



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dated 30.10.2005, they were not reinstated and not allowed to work thereby, they were deprived of their wages from 31.10.2005.

5. On the other hand, it is the specific contention on behalf of the petitioner-Mill that the respondent-workmen never approached the petitioner-Mill seeking reinstatement.

6. The learned Labour Court after having allowed the parties to adduce evidence, passed the impugned order dated 31.12.2021 allowing the claim petitions filed by the respondent-workmen *vide* C.P.Nos.45/2013, 46/2013, 47/2013, 48/2013 and 49 of 2013 and awarding a sum of Rs.1,59,900/- each towards backwages for the period from 31.10.2009 to 29.04.2012 to the respondent-workmen. The said amount was also directed to be paid within a period of two months, in default to pay the same with interest at the rate of 6% per annum till the date of realization. It is aggrieved by the said award, the petitioner-Mill filed these batch of writ petitions.



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7. Mr.V.O.S.Kalaiselvam, learned counsel appearing for the petitioner reiterating the contention of the petitioner-Mill as raised before the learned Labour Court, contended that the respondent-workmen never approached the petitioner for reinstatement and he also further contended that the petitioner has sold all its assets including machinery and the premise where the Mill was situated in favour of the Respondent No.2 and therefore, the question of directing the petitioner to pay the backwages does not arise.

8. On the other hand, Mr.K.K.Samy, learned counsel appearing for the respondent-workmen strenuously contended that the learned Labour Court after having appreciated the entire evidence both oral and documentary, had arrived at a conclusion and awarded the backwages, as it is obligatory on the part of the petitioner to reinstate the respondent-workmen pursuant to the award passed by the learned Labour Court directing reinstatement, as the said award has attained finality.

9. This Court has carefully considered the submissions made on either side.



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10. Perusal of the impugned order discloses that the contention of the petitioner-Mill that the respondent-workmen never approached the petitioner for reinstatement is not established. On the other hand, the same was disproved by the respondent-workmen by marking relevant exhibits especially Ex.P2 and Ex.P4. The learned Labour Court having taken into consideration the contents of Ex.P2 and Ex.P4 and the oral evidence of P.W.1 and P.W.2 examined on behalf of the respondent-workmen came to the conclusion that the respondent-workmen have approached the petitioner-Mill seeking reinstatement, but it is the petitioner-Mill which failed to reinstate the Respondent No.1 into service on the premise that the award dated 30.10.2009 passed by the learned Labour Court was challenged before this Court in W.P. (MD) No.6538 of 2010. However, the said writ petition was subsequently withdrawn and the same was dismissed as withdrawn on 11.04.2012. Thus, the petitioner-Mill failed to comply with the award passed by the learned Labour Court on 30.10.2009 and deprived the respondent the work and the consequent wages. The said award dated 30.10.2009 has attained finality. Therefore, the petitioner cannot escape its liability under the said award



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unless it successfully establishes that the respondent-workmen gainfully employed elsewhere and they never approached the petitioner seeking reinstatement. From the material available on record, there is nothing to show that the respondent-workmen have not infact approached the petitioner seeking reinstaement. On the other hand, the material on record speaks otherwise as already noted above. In the circumstances, this Court does not find any error or illegality in the impugned award passed by the learned Labour Court warranting interference of this Court especially while exercising certiorari jurisdiction of this Court.

11. Accordingly, all these writ petitions are dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes

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MUMMINENI SUDHEER KUMAR, J.

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