



W.P.(MD)Nos.3226 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.3226 of 2017

K.Saravanan

... Petitioner

Vs.

1.The Management,
Madura Coats Mills Company Ltd.,
Papanasam Mills Post,
Vigramasingapuram,
Tirunelveli District - 627 425.

2.Human Resource Director,
Madurai Coats India Private Ltd.,
Head Office at Bangalore, Karnataka.

3.The Presiding Officer,
Labour Court, Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of preliminary award passed by the 3rd respondent in I.D.No. 35/2015 dated 25.04.2016 and the consequential final award passed by the 3rd respondent in I.D.No. 35/2015 dated 27.09.2016 and to quash the same with the



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consequential direction to the 1st and 2nd respondents to reinstate the petitioner with all backwages and attendance benefits.

For Petitioner : Mr.T.Sathya Selvi

For Respondents : Mr.T.Ravichandran for R1 & R2
R3 – Court.

ORDER

This Writ Petition has been filed questioning the award dated 25.04.2016 passed in I.D.No.35 of 2015 on the file of learned Labour Court, Tirunelveli, wherein the petitioner herein challenged the orders passed by the respondent management removing the petitioner from service.

2. When the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel appearing for the respondent Nos.1 and 2 that in all, six employees were removed from service on the very same charge and all six employees have raised dispute before the learned Labour Court,



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Tirunelveli in I.D.Nos.36/2015, 14/2016, 13/2016 and 37/2016 and whereas the petitioner herein raised the dispute in I.D.No.35/2015. All the said industrial disputes were decided by the learned Labour Court, Tirunelveli by an order dated 27.09.2016 and the challenge made there against by other co-employee of the petitioner herein in a writ petition was unsuccessful and the writ appeal filed there against was also dismissed by a Division Bench of this Court by an order dated 24.01.2018. Thus, it is submitted that in view of the fact that the very same issue has fallen for consideration before this Court in W.P.(MD)Nos.16492 to 16495 of 2017 and the said writ petitions were dismissed and the appeal filed there against were also dismissed, the removal from service of the said employees had attained finality. In the light of the above, he submitted that the fate of the case on hand should also be the same.

3. This Court has carefully perused the order passed by the learned Division Bench of this Court in W.A.(MD)Nos.116 to 119 of 2018 and the impugned award. Having perused the same, this Court is convinced that the very same issue, that are raised in the present Writ Petition have been dealt with



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by the learned single Judge of this Court as well as the learned Division Bench and the claim of the co-employees of the petitioner were rejected. In the light of the same, the claim of the petitioner herein is also liable to be rejected. In this context, it is necessary to notice paragraph 17 of the order passed by the learned Division Bench dated 24.01.2018, which reads as under:

“17.When more than 2000 workers were reinstated and the Management refused to reinstate only six employees including the appellants, it would show the gravity of the misconduct committed by the appellants. When the Management was able to reinstate every worker except 6, definitely, it should be because of the past antecedents of the appellants and the indiscipline activities committed by the appellants. If they are reinstated, definitely, it will go against the interest of the very company itself and the working atmosphere will be affected. Therefore, we see no merits in these appeals. Hence, these appeals are dismissed. No costs.”

4. On a perusal of the above paragraph, it is noticed that the learned Division Bench dealt with the case of six employees including the four employees before the learned Division Bench and the petitioner herein as well.



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In the light of the conclusive finding recorded by the learned Division Bench, this Court has no option except to dismiss the present Writ Petition following the order passed by the learned Division Bench.

5. In the light of the above and for the reasons assigned by the learned Division Bench in the order dated 24.01.2018, this Writ Petition is liable to be dismissed and the same is accordingly dismissed. In case if the petitioner is entitled for any amounts, even after upholding his removal from service, the same shall be released in favour of the petitioner by the respondent No.1 Management if not already released. In case, if the respondent Management has already deposited the amount with any other authority, the petitioner is at liberty to withdraw the same by duly submitting the application in this regard. There shall be no order as to costs.

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Neutral Citation: Yes / No
Index : Yes / No
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MUMMINENI SUDHEER KUMAR, J.

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To

The Presiding Officer,
Labour Court, Tirunelveli.

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