



WP(MD)Nos.23636 and 23637 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.23636 and 23637 of 2017

P.Muniappan ...Petitioner in WP(MD)No.23636 of 2017

P.Balasubramanian ...Petitioner in WP(MD)No.23637 of 2017

Vs

1.The Presiding Officer,
Labour Court,
Tiruchirappalli.

2.The Management of
CAV Cotton Mills Limited,
Vellabommanpatti,
Vedasandur Taluk,
Dindigul District.

3.Liquidator,
CAV Cotton Mills Private Limited,
IBBI Reg, No. IBBI/PA-01/IP-P00187/2017-18/10366,
12,Govindarajulu Street (Stanes Road)
Avinashi Road, Tiruppur 541 602.
[R3 is impleaded vide order dated
21.04.2025 in WMP(MD)No.4763 of
2025 in WP(MD)No.23636 of 2017]

...Respondents



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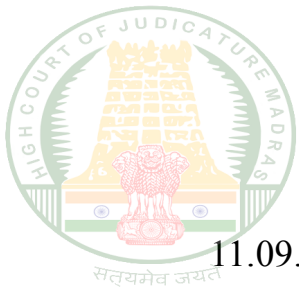
PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorified mandamus after calling for the records from the 1st respondent Labour Court relating to the impugned order dated 18.11.2016 of the 1st respondent in CP.No.28/2010 dismissing it, quash the same and consequently to direct the 2nd respondent to pay the the petitioner Rs.4,65,864/- as back wages for the period from 01.04.2004 to 11.09.2007 and also as difference of wages for the period from 12.09.2007 to 31.12.2009 and the wages for the deprived statutory leave days in the period from 01.04.2004 to 31.12.2009 and also unpaid bonus for the years 1995-96 and 1996-97 together with 18% interest per annum and award cost.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.B.Gopinath
No.3

ORDER

The petitioners have filed these writ petitions as against the orders passed by the Labour Court, Tiruchirappalli in CP.Nos.27 and 28 of 2010, dated 18.11.2016. The claim petitions have been filed by the petitioners workmen claiming wages from the date of the Labour Court award dated 22.07.2004 to till the date of reinstatement dated 04.09.2007. They have also claimed the difference of wage from



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11.09.2007 to 31.12.2009. The said claim of the petitioners have been rejected by the Labour Court. As against the same the petitioners have filed these writ petitions.

2.The petitioners were working in the 2nd respondent cotton mill as Siders. They were dismissed from service that they have prevented co-employees from attending duty and also threatened them that they would throw bomb as against them. As against the order of dismissal the petitioners have raised industrial dispute before the Labour Court in ID Nos.25 of 1997 and 26 of 1997 and the same were allowed by the Labour Court by setting aside the order of dismissal. In fact the Labour Court while allowing the industrial dispute, denied back wages to the petitioners. The management has filed two writ petitions before this court in WP(MD)Nos.515 and 516 of 2004 as against the order of the Labour Court in ID Nos.25 and 26 of 1997, directing reinstatement of the workmen. The petitioners workmen filed writ petitions in WP(MD)Nos.7415 and 7416 of 2005 challenging the award passed by the Labour Court denying back wages to them. All the writ petitions were disposed by common order dated 17.08.2007 by this court rejecting the



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writ petitions filed by the management by confirming the orders of the Labour Court and also directed the management to pay back wages from the date of award till the date of reinstatement subject to the payment if any made under Section 17-B of the Industrial Disputes Act. The management claimed that they have paid a sum of Rs.14,400/-under Section 17-B of the Industrial Disputes Act and the same is also admitted by the petitioners.

3. Aggrieved over the orders of the writ court, the management has preferred writ appeal in WA(MD)Nos.471 and 512 of 2007. The petitioners / workmen have also filed writ appeals in WA(MD)Nos.182 and 184 of 2018 as against the orders of the writ court with regard to the benefits payable from the date of dismissal till the date of award. All the writ appeals were dismissed by order dated 28.07.2008. Thereafter the petitioners have filed the above claim petitions in CP Nos.27 and 28 of 2010 before the Labour Court, Tiruchirappalli claiming wages from the date of award till the reinstatement deducting the wages paid under Section 17-B of the ID Act. The petitioners have also claimed the balance wages from 11.09.2007 to 31.12.2009 alleging



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that they have not been paid correct rate of wages. The claim petitions filed by the petitioners have been rejected by the Labour Court on the following grounds:

(i) Pending the writ petitions, the petitioners have been provided with alternate employment, but they have joined duty and worked for only 11 days and thereafter they have not continued.

(ii) A separate charge has been framed as against the workmen for their unauthorised absence and they have also been called to join duty, however, they have failed to join duty.

(iii) With regard to the difference of wage, the Labour Court rejected the claim of the petitioners that they have not achieved the production target and that there is no pre-existing right.

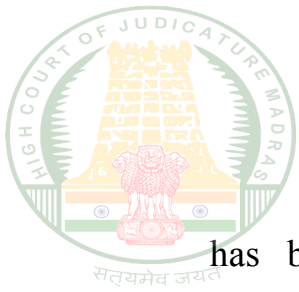
4. The learned counsel for the petitioners submits that the petitioners were dismissed from service on 30.11.1996. As against which, they raised industrial dispute in ID Nos.25 and 26 of 1997 and they were allowed by the Labour Court and the award has been passed by the Labour Court directing the management to reinstate the petitioners by order dated 22.03.2004. The management in order to defeat the orders



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has directed the petitioners to join duty in a different place and also harassed the petitioners. Therefore, the petitioners could not continue the work. This aspect has been considered by the writ court in WP(MD)Nos.7415 & 7416 of 2005 and 515 & 516 of 2004 and this court while rejecting the writ petitions filed by the management has also issued direction to the management to reinstate the petitioners in the same place and the posts in which they were working at the time of their dismissal. This court has also confirmed it by directing the management to pay the wages from the date of award till their reinstatement, after giving due credit if any made under Section 17-B of the ID Act. The management has paid a sum of Rs.14,400/- as wage under Section 17-B of the ID Act. Thereafter they have not provided the job as directed by the Labour Court and they have paid lesser wage than the other workmen. Therefore, according to the learned counsel the findings of the Labour Court with regard to the claim of the petitioners is not correct and it needs to be set aside.

5.The learned counsel for the respondent submits that the 2nd respondent management company has been wound up and liquidator

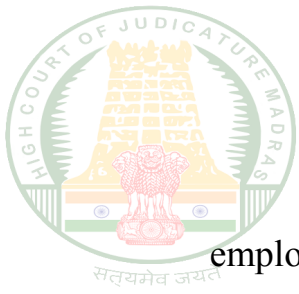


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has been appointed. The management is represented through the liquidator. He further submits that the petitioners after the award has worked only for 14 days and thereafter they have not worked, for which a separate charge has been framed for their unauthorised absence and they have been placed under suspension. Further they have complied with the order with regard to 17-B wages and they are not entitled for any other wages. Since the difference of wages is concerned, the petitioners did not meet the required production target, they were paid low.

6.This court considered the rival submissions made and perused the materials placed on record.

7.The management has dismissed the petitioners from service on the vague allegation that the petitioners have prevented other workmen and threatened them that they to throw bomb at them. The Labour Court allowed the industrial disputes raised by the petitioners and directed the management to reinstate the petitioners. The award passed by the Labour Court in ID Nos.25 and 26 of 1997 is not placed before this court on either side. The management claims that they have provided alternate



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employment, however the petitioners worked only for 14 days. Thereafter they discontinued the work. However, these aspects have also been considered by the writ court while deciding the writ petitions and this court while rejecting the writ petitions filed by the management directed the management to reinstate the workmen in the same place and in the same posts in which they were working at the time of their dismissal. The petitioners have been denied work in the same place pursuant to the award of the Labour Court dated 22.03.2004. Therefore, the petitioners are entitled for wages from 22.03.2004 till their reinstatement on 04.09.2007. The petitioners have also made claim for difference of wages from 11.09.2007 till 31.12.2009, for which the management claim that the petitioners have not achieved the target. The learned counsel for the respondent management is having certain difficulties since the respondent mill is not functioning and the management is defended by the liquidator. In the absence of any specific material as to the quantum of payment made to the petitioners during the period from 11.09.2007 to 13.12.2009, this court is not inclined to entertain this claim of the petitioner.



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8. With regard to the other claim the liquidator has to ascertain whether the wages has been paid less than the correct rate of wage and if so, the liquidator has to consider the claim of the petitions.

9. Accordingly these writ petitions are disposed of. The liquidator is expected to make payment as per Section 53 of the Insolvency and Bankruptcy Code 2016. No costs. Consequently connected miscellaneous petitions are closed.

19.09.2025

Index : Yes / No

DSK

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