



W.P.(MD) Nos.28330 & 28331 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) Nos.28330 & 28331 of 2023

and

W.M.P.(MD) Nos.24395, 24396, 24422 & 24423 of 2023

W.P.(MD) No.28330 of 2023:

M/s.Ind Royal Crafts Private Ltd.,
rep.by its Manager
Finance & Accounts
Kambali, Tenkasi District

... Petitioner

-VS-

1.The Additional Secretary
to Government
Labour Welfare and Skill
Development Department
Chennai

2.Ind Royal Thozhilalargal Nala
Munnetra Sangam
Registration No.1276/TVL
Kambali, Ayikudi
Kadaiyanallur
Tenkasi District

... Respondents



W.P.(MD) Nos.28330 & 28331 of 2023

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned Government Order passed by the first respondent in G.O.(D) No.500, dated 13.10.2022 and quash the same as illegal.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1
Mr.S.Kumar for R2

W.P.(MD) No.28331 of 2023:

M/s.Ind Royal Furniture Company Pvt Ltd.,
rep.by its General Manager
Kambali, Tenkasi District

... Petitioner

-vs-

1.The Additional Secretary
to Government
Labour Welfare and Skill
Development Department
Chennai

2.Ind Royal Thozhilalargal Nala
Munnetra Sangam
Registration No.1276/TVL
Kambali, Ayikudi
Kadaiyanallur
Tenkasi District

... Respondents

Page 2 of 8



W.P.(MD) Nos.28330 & 28331 of 2023

WEB COMMENT: PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned Government Order passed by the first respondent in G.O.(D) No.500, dated 13.10.2022 and quash the same as illegal.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1
Mr.S.Kumar for R2

COMMON ORDER

These two writ petitions have been filed by the respective petitioners aggrieved by an order issued by the Government *vide* G.O.(D) No. 500, Labour Welfare and Skill Development (B1) Department, dated 13.10.2022, whereby the dispute raised by the respondent No.2 herein was referred to the learned Labour Court, Tirunelveli, under Section 10(2) of the Industrial Disputes Act, 1947.

2. In the impugned order, the respondent No.1 – Government, while issuing the notification, referred the name of the petitioners as “the Management of Ind Royal Furniture & Craft Company, Tenkasi”.



W.P.(MD) Nos.28330 & 28331 of 2023

WEB COPY

3. These writ petitions have been filed by the petitioners questioning the impugned order, only on the ground that there is no Company existing in the name of “the Ind Royal Furniture & Craft Company, Tenkasi”, but, there are two independent Companies in the name of “Ind Royal Crafts Private Limited” and “Ind Royal Furniture Company Private Limited” i.e., petitioners in the present writ petitions.

4. This matter earlier came up for consideration on 22.04.2025 and the same was adjourned to today to enable Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondent No.1, to get instructions in this matter.

5. Today, when the matter is taken up for consideration, Mr.S.Shanmugavel, learned Additional Government Pleader, submitted that he is unable to get specific instructions from the respondent No.1.

6. Learned counsel appearing for respondent No.2 requested time for filing counter in this matter.



W.P.(MD) Nos.28330 & 28331 of 2023

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7. The grievance of the petitioners is only in mentioning the name of the Company as “Ind Royal Furniture & Craft Company, Tenkasi” instead of “Ind Royal Craft Pvt. Ltd.” and “Ind Royal Furniture Company Pvt. Ltd.”. The copies of certificate of incorporation of both the Companies are placed before this Court in the typed set of papers at Page Nos.20 & 21 in support of the contention of the petitioners.

8. In the light of the same, this Court is convinced that there is an unintentional mistake committed by the respondent No.1 in referring the name of the Company as “Ind Royal Furniture & Craft Company” instead of “Ind Royal Crafts Private Limited” and “Ind Royal Furniture Company Private Limited”.

9. This Court does not see any reason to adjourn this matter for the purpose of filing counter as these writ petitions are of the year 2023 and the issue that arises for consideration is trivial in nature and it does not affect the interest of the respondent No.2 in any manner and on the other hand, it would be in the interest of the respondent No.2 to correct the order of reference in the light of the inadvertent mistake committed by the respondent No.1. The contention of the learned counsel appearing for the respondent No.



W.P.(MD) Nos.28330 & 28331 of 2023

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2 that both the petitioner Companies are managed and controlled by the very same General Manager and person, practically making them one Company, cannot be considered in the present writ petitions. However, it is always open for the respondent No.2 to take all such pleas before the learned Labour Court and the same can be considered by the learned Labour Court independently.

10. In the light of the above, these writ petitions are allowed by directing the learned Labour Court, Tirunelveli, to treat the order of reference made in the said G.O.(D) No.500, Labour Welfare and Skill Development (B1) Department, dated 13.10.2022, as the reference made between “Ind Royal Crafts Private Limited” and “Ind Royal Furniture Company Private Limited” on one hand and “Ind Royal Welfare Progressive Sangam (Affiliated NLO), Tenkasi” on the other hand and proceed with the matter by duly modifying the cause title in I.D.No.154 of 2022. No costs. Consequently, connected miscellaneous petitions are closed.

28.04.2025

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

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Page 6 of 8



W.P.(MD) Nos.28330 & 28331 of 2023

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To:

- 1.The Presiding Officer,
Labour Court,
Tirunelveli.
- 2.The Additional Secretary
to Government,
Labour Welfare and Skill
Development Department,
Chennai.



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W.P.(MD) Nos.28330 & 28331 of 2023

MUMMINENI SUDHEER KUMAR, J.

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