



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P(MD)Nos.1523 & 1524 & 1588 of 2015

1.V.M.Periyasamy (died)

2.Veerammal

3.Jothilakshmi

4.Vetriselvi

5.Sankar

... Petitioners

in WP(MD)No.1523 of 2015

(2 to 5 petitioners are substituted  
vide Court order dated 28.02.2018  
in WMP(MD) No.4367 of 2018)

R.Mani

... Petitioner

in WP(MD)No.1524 of 2015

1.R.G.Ramasamy

2.R.Durairaj

3.A.K.Arjunan

4.E.P.Subramani

5.V.Thangaraj

6.P.Subramani

7.M.Duraisamy

8.E.Mani

9.A.Lakshmanan

... Petitioners in WP(MD)No.1588 of 2015

Vs.

1.The Presiding Officer,  
Labour Court,  
Trichirappalli.

<https://hcservices.ecourts.gov.in/hcservices/>

... (1<sup>st</sup> respondent in  
WP(MD)Nos.1523 & 1524 of 2015 &  
2<sup>nd</sup> respondent in WP(MD)No.1588/15



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2.The Management,  
Sri Sabari Mills,  
K.Sathanur, K.K.Nagar Post,  
Trichy - 21.

... (2<sup>st</sup> respondent in  
WP(MD)Nos.1523 & 1524 of 2015 &  
1<sup>nd</sup> respondent in WP(MD)No.1588/15

3.The Government of Tamil Nadu,  
Rep.by its Secretary,  
Labour and Employment Department,  
Chennai - 9.

...3<sup>rd</sup> respondent  
in all cases

(R3 is suo moto impleaded vide  
Court order dated 27.02.2017 in  
WP(MD)Nos.1523, 1524 and 1588 of 2015)

Common Prayer in WP(MD)Nos.1523 & 1524 of 2015 : Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the order dated 07.02.2013 made in CP.Nos.190 & 78 of 2010 by the Labour Court, Trichirappalli and quash the same and consequently allow the CP.Nos.190 & 78 of 2010 filed by the petitioners.

Prayer in WP(MD)No.1588 of 2015 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to Claim Petition Nos.195/2010, 41 of 2011, 121/2010, 87/2010, 208/2010, 93/2010, 130/2010, 35/2011 and 104/2010 respectively in common award dated 07.02.2013 passed by the Labour Court, Trichirappalli and quash the same.

WP(MD)Nos.1523 & 1524 of 2015 :

For Petitioners	:	Mr.P.Arun Jayatram
For Respondents	:	Mr.S.Saravanan for R2 R1 Labour Court

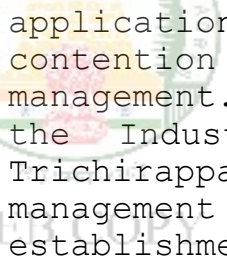
WP(MD)No.1588 of 2015 :

For Petitioners	:	Mrs.T.Banumathy
For Respondents	:	Mr.S.Saravanan for R1 R2 Labour Court

COMMON ORDER

Heard the learned counsel on either side.

2.In all these three writ petitions, the workers are the petitioners. They were employees of the Sri Sabari Mills. The management has said the mill was initially closed down. But the



application was originally rejected. Therefore, the petitioners' contention is that they are still the employees of the said management. Claim petitions were filed under Section 33(C)(2) of the Industrial Disputes Act, 1947 before the Labour Court, Trichirappalli. During the pendency of the claim petitions, the management obtained an order permitting them to close down the establishment vide G.O.No.47 dated 01.02.2011. It states that the mill shall be deemed to have been closed with effect from 20.02.1996. In view of the issuance of the said Government order that too with retrospective effect, the very foundation of the claim petitions goes.

3. Therefore, the Labour Court had to close the claim petitions. But then, considering that the matter involves the interest of the workers, the Labour Court moulded the relief and partly allowed the claim petitions. The right of the workers to receive the compensations and other benefits were upheld. Therefore, if the workmen are of the view that benefits payable to them have not been disbursed, they can certainly file an execution petition or even a fresh claim petition.

4. With this liberty, the orders impugned in these writ petitions are upheld and these writ petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Presiding Officer,  
Labour Court, Trichirappalli.

2. The Secretary,  
Labour and Employment Department,  
Government of Tamil Nadu, Chennai - 9.

+1cc to M/S.T.Banumathy, Advocate SR.No. 52397

+1cc to M/S.K.Jayaraman, Advocate SR.No. 52224

W.P (MD) Nos.1523 & 1524 &  
1588 of 2015  
28.02.2018

skm

JM/SKN RSK/SAR 4/27.07.2018/3P/5C