



WEB COPY

CRP No. 5813 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

CRP No. 5813 of 2025

&

CMP NO. 28886 OF 2025

The Management Of Dharmapuri District Co
Operative Milk Producers Union Ltd
Rep by the General Manager, Salem Main Road,
Kanagamutlu Post, Krishnagiri Dist.

..Petitioner

Vs

- 1.K.Asalam
C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.
- 2.Mohamed Sheriff
C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.
- 3.R.Ramakrishnan
C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.
- 4.M.Mohan
C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.
- 5.K.Ramasamy
C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.
- 6.B.Ameer Basha
C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.
- 7.P.Srinivasan
C/o.D.A.Mohammed khan, Labour Law



Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.

8.G.Muniraj

C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.

9.M.Narasimhan

C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.

10.A.Mathiyan

C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.

11.Naveen Kumar

C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.

12.Padmavathi

C/o.D.A.Mohammed khan, Labour Law
Consultant, HIG 6/A, Avalapalli, HUDCO,
Bagalur Road, Hosur 635109.

..Respondents

Prayer: Civil Revision Petition filed under Art.227 of the Constitution of India praying to set aside the order passed by the Presiding Officer, Labour Court, Hosur, dated 07.10.2025 made in E.A.No.2 of 2023 in C.P.No.28 of 2019 (CNR No.TNK115-000089-2022).

For Petitioner : Mr. S. Silambanan,
Senior Counsel,
for Mr. I.John Arockiadas

For Respondents : M/s.Balan Haridas
For R1, R5 to R7 and R9 to R12
R2 to R4 & R8-No Appearance



ORDER

The present Civil Revision Petition is filed by the petitioner/Management challenging the order of dismissal passed by the Labour Court in E.A.No.2 of 2023 in E.P.No.02 of 2022 in C.P.No.28 of 2019 seeking to set aside the exparte order passed against the petitioner.

2. The facts of the case leading to filing of the present Civil Revision Petition is as follows:

(i) The respondents were employed as salesmen by the petitioner Management. Challenging the termination of their services from the petitioner/Management, the respondents/employees raised an industrial dispute before the Labour Court, Hosur. After contesting the case, the Labour court awarded Rs.4000/- as compensation to each employees. Aggrieved over the same, the employees filed W.P.No.2304 of 1996 before the High Court, wherein, the employees were ordered to be reinstated into service w.e.f 01.01.2004, but without any back wages.

(ii) Against, which, an appeal was preferred by the petitioner/Management in WA.No.799 of 2005 and the same was dismissed vide court order dated 04.12.2006. Against the same, the Management preferred an appeal in SLP.(C) No.8369 of 2007 before the Apex Court and



the same was dismissed by the Apex Court, vide order dated 08.07.2014.

(iii) Pursuant to the order of the Apex Court, the petitioner/Management issued notice to the employees for reinstating them into service on 20.11.2014, however the respondents/employees have not come forward to join duty.

(iv) Thereafter, the respective employees filed a claim petition in C.P.No.28 of 2019 and the same was allowed by the Labour Court on 13.07.2022 directing the petitioner/Management to pay arrears of salary. As against which, the petitioner/Management filed Writ Petition before this Court in W.P.No.654 of 2023 and the same was allowed on 28.11.2023.

(v) As against which, the respective employees filed writ appeal in W.A.No.397 of 2024 and the Division Bench of this Court, vide its order dated 22.10.2024 allowed the appeal.

(vi) Meanwhile, for implementation of the order passed in C.P.No.28 of 2019, dated 13.07.2022, the respective employees have filed execution petition in REP.No.2 of 2022 seeking enforcement of the award. On 14.07.2023, the Labour Court passed an order directing the petitioner /Management to deposit the amount awarded towards arrears of salary in C.P.No.28 of 2019 within two months, failing which, execution proceedings would be ordered against the Management/General Manager.



(vii) Since the order dated 14.07.2023 passed in REP.No.02 of 2022 was not implemented, the respondent/employees filed REA.No.01 of 2023 seeking arrest of the General Manager. On 09.11.2023, since the petitioner/Management did not appear, the petition was allowed setting the petitioner/Management exparte and the petitioner/Management was ordered to arrest by 14.12.2025

(viii) Against the exparte order passed in REA.No.01 of 2023, the petitioner/Management filed E.A.No.02 of 2023 in E.P.No.02 of 2022 in C.P.No.28 of 2019 to set aside the exparte order dated 09.11.2023. The Labour Court by order dated 07.10.2025 dismissed the petition holding that there were no sufficient grounds to set aside the exparte order.

(ix) Challenging the order passed by the Labour Court in E.A.No.2 of 2023, the present Civil Revision Petition is filed.

3. The learned Senior Counsel appearing for the petitioner/Management would submit that the Labour Court dismissed the petition filed under Order 21, Rule 106 of Cr.P.C. by holding that there were no sufficient grounds to set aside the exparte order. Though the petitioner/management explained that the non-appearance of the petitioner/Management on 09.11.2023 was due to the petitioner's meeting the counsel in connection with the pending writ petition before this Court, , the Labour Court, without proper application of mind to the



facts and circumstances of the case dismissed the petition seeking to set aside the exparte order and the same is arbitrary and suffers from patent illegality.

WEB COPY

4. He further submitted that challenging the order passed in W.A.No.397 of 2024, Review Proceedings have been preferred and the same are pending adjudication. Hence the legal issues involved in the matter have not yet attained finality and are still under sub judice before the higher forums. Stating so, he added that to avoid the arrest of the General Manager of the Management and in order to show the bonafide, the petitioner / Management is inclined to deposit the entire amount awarded in C.P.No.28 of 2019 within a period of eight weeks from the date of receipt of a copy of this order and liberty may be granted to the petitioner/management to process the review proceedings and in the review, in case, if the petitioner/management not obtaining a restraint order as against the orders passed in REP and REA within a period of 12 weeks from the date of receipt of a copy of this order, this court may grant liberty to the Labour Court to disburse the amounts awarded in C.P.No.28 of 2019 to the respective employees/respondents.

5. Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1, 5 to 7 and the respondents 9 to 12 and perused the materials available on record.



6. Recording the submissions made by the learned counsel for the petitioner/Management, this Court passes the following order:

WEB COPY

(i) the petitioner/Management is directed to deposit the entire amount awarded in C.P.No.28 of 2019 before the Labour Court, Hosur within a period of eight weeks from the date of receipt of a copy of this order.

(ii) The petitioner/management is granted liberty to proceed with the Review, wherein, if the petitioner/Management did not obtain favourable order within a period of 12 weeks from the date of receipt of a copy of this order, liberty is granted to the Labour Court, Hosur to disburse the amount awarded in C.P.No.28 of 2019 to the respective respondents / employees.

7. With the above directions, the Civil Revision Petition is disposed of.

No costs. Consequently, the connected miscellaneous petition is closed.

02-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
msr



CRP No. 5813 of 2



To

The Presiding Officer, Labour Court, Hosur.

WEB COPY



WEB COPY

CRP No. 5813 of 2



M.DHANDAPANI J.

msr

**CRP No. 5813 of 2025
&
CMP NO. 28886 OF 2025**

02-04-2026