



W.P(MD)No.19732 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19732 of 2022

and

W.M.P.(MD).No.14401 of 2022

The Management of
Kathirvel Textiles Private Limited,
Nachiyapuram, Thripathur Taluk,
Sivagangai District.

... Petitioner

Vs

S.Rajendran

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 09.07.2019 passed in C.P.No.21 of 2015 passed by the Labour Court, Madurai and direct the Labour Court, Madurai to dispose of C.P.No.21 of 2015 on merits after hearing both sides in accordance with law.

For Petitioner : Mr.R.Sagadevan

For Respondent : Mr.K.Sureshkumar



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ORDER

This Writ Petition has been filed challenging the order dated 09.07.2019 passed in C.P.No.21 of 2015 by the Labour Court, Madurai.

2. Heard Mr. R. Sagadevan, learned counsel appearing for the petitioner and Mr. K. Suresh Kumar, learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner submitted that the respondent was employed under the petitioner-Management and was dismissed from service. Challenging the order of dismissal, the respondent raised an industrial dispute in I.D.No.196 of 2001 before the Labour Court, Madurai. The Labour Court passed an ex parte award dated 12.12.2008 in favour of the respondent. Based on the said ex parte award, the respondent filed C.P.No.21 of 2015 under Section 33-C(2) of the Industrial Disputes Act, 1947, claiming a sum of Rs.10,27,657/- together with interest at the rate of 18% per annum towards back wages and arrears of bonus. The Labour Court, by order dated 09.07.2019, allowed the computation petition. Aggrieved by the same, the present Writ Petition has been filed.



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4. The learned counsel for the petitioner further submitted that, at the time of admission of the Writ Petition, it was brought to the notice of this Court that the petitioner had initiated proceedings to set aside the ex parte award in the manner known to law. While granting interim protection by order dated 25.08.2022, this Court directed the petitioner to deposit 50% of the amount awarded in the computation proceedings. The petitioner complied with the said direction and the respondent withdrew the amount so deposited.

5. It is further submitted that the petitioner thereafter filed I.A.No.1 of 2024 seeking condonation of delay in filing the petition to set aside the ex parte award. The said application was allowed by the Labour Court on 09.07.2024. Subsequently, the Labour Court, by order dated 03.09.2024 passed in I.A.No.2 of 2024 in I.D.No.196 of 2001, allowed the petition to set aside the ex parte award dated 12.12.2008 and restored I.D.No.196 of 2001 to file for fresh adjudication.

6. According to the learned counsel for the petitioner, once the very foundation, namely, the ex parte award, has been set aside and the industrial dispute itself has been restored for fresh adjudication, the computation



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proceedings initiated under Section 33-C(2) of the Industrial Disputes Act cannot survive independently. The rights of the parties would now depend upon the outcome of the restored industrial dispute. Therefore, the impugned order passed in C.P.No.21 of 2015 deserves to be set aside.

7. Per contra, the learned counsel appearing for the respondent submitted that though the ex parte award has been set aside by the Labour Court, the respondent proposes to challenge the said order before the appropriate forum. Therefore, appropriate liberty may be reserved to the respondent to work out his remedy in the manner known to law.

8. This Court has considered the rival submissions made on either side and perused the materials available on record.

9. The facts are not in dispute. The computation petition in C.P.No.21 of 2015 was filed solely on the strength of the ex parte award passed in I.D.No.196 of 2001. The Labour Court allowed the computation petition by the impugned order dated 09.07.2019 on the basis of the said award. However, during the



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pendency of the present Writ Petition, the Labour Court, by order dated 03.09.2024 passed in I.A.No.2 of 2024, set aside the ex parte award dated 12.12.2008 and restored I.D.No.196 of 2001 for fresh adjudication.

10. Once the very award, which formed the basis for the computation proceedings, has been set aside, the computation order cannot be allowed to stand. The foundation for the order passed in C.P.No.21 of 2015 having disappeared, the impugned order is liable to be interfered with. The rights of the parties shall necessarily abide by the final outcome of I.D.No.196 of 2001 or any further proceedings arising therefrom.

11. Insofar as the amount deposited by the petitioner pursuant to the interim order dated 25.08.2022 and withdrawn by the respondent is concerned, the same shall be subject to the final outcome of I.D.No.196 of 2001 and the parties shall be entitled to work out their rights in accordance with the final adjudication of the industrial dispute.



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WEB COPY 12. Accordingly, the impugned order dated 09.07.2019 passed in C.P.No.21 of 2015 by the Labour Court, Madurai is set aside. Consequently, this Writ Petition is allowed. The Labour Court, Madurai shall proceed with I.D.No.196 of 2001 and dispose of the same on merits and in accordance with law, after affording sufficient opportunity to both parties, as expeditiously as possible. No costs. Consequently, the connected miscellaneous petition is closed.

06.07.2026

NCC : Yes / No
Index : Yes / No
TSG

To

The Labour Court, Madurai.



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M.DHANDAPANI, J.

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