

In the High Court of Judicature at Madras

Dated :: 15.04.2016

Coram ::

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No: 31362 of 2014

The Management
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Villupuram.
Rep by its General Manager

... Petitioner

-vs-

1. The Presiding Officer
Labour Court
Cuddalore.
2. S. Gnanakeswaran
S/o. Subramaniyam
No: 71 Thollukapalayam
Nellikuppam
Panruti Taluk
Cuddalore District

... Respondents

Writ Petition under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari to call for the
records of the order passed by the 1st respondent in C.P. No:
7/2014 dated 03.07.2014 and to quash the same as illegal.

For petitioner :: Mr. P. Paramasiva Doss
For 2nd respondent :: Mr. K. Arunagiri

O R D E R

The petitioner is the management of Tamil Nadu State
Transport Corporation Limited, Villupuram Division and the
challenge is to an ex-parte order passed by the Labour Court,
Cuddalore, in C.P. No: 7 of 2014 on 03.07.2014. The said claim
petition was filed under Section 33 (C) (2) of the Industrial

Disputes Act, 1947 by the respondent workman to direct the Management to pay the monetary benefits payable to him.

2. Though notice was served on the Management, they had not filed the counter statement before the Labour Court. However, before this Court a copy of the counter statement has been produced in the typed set of papers. As rightly submitted by the learned counsel appearing for the workman, this counter, having not been placed before the Labour Court, cannot be entertained by this Court.

3. The amount claimed by the workman being payable, on the ground that similarly placed workman are being paid on the same terms, has to be adjudicated before the Tribunal after affording an opportunity to the Management. However, since the claim petition was pending from 2014 onwards and the writ petition is also pending before this Court for more than two and half years and that the workman had to engage a counsel, this Court is of the opinion that the management is liable to pay cost to the workman to enable them to contest the matter on merits.

4. Accordingly, the writ petition stands allowed subject to the condition that the petitioner / management pays cost of Rs. 15,000/- to the second respondent workman within a period of three weeks from the date of receipt of a copy of this order. On payment of the cost and on production of receipt before the Labour Court, the Labour Court shall restore the claim petition No:7 of 2014 to its file, afford an opportunity to the petitioner Management to file its counter statement, hear the parties and pass appropriate orders on merits and in accordance with law as expeditiously as possible. Connected miscellaneous petitions are closed. There shall be no orders as to the costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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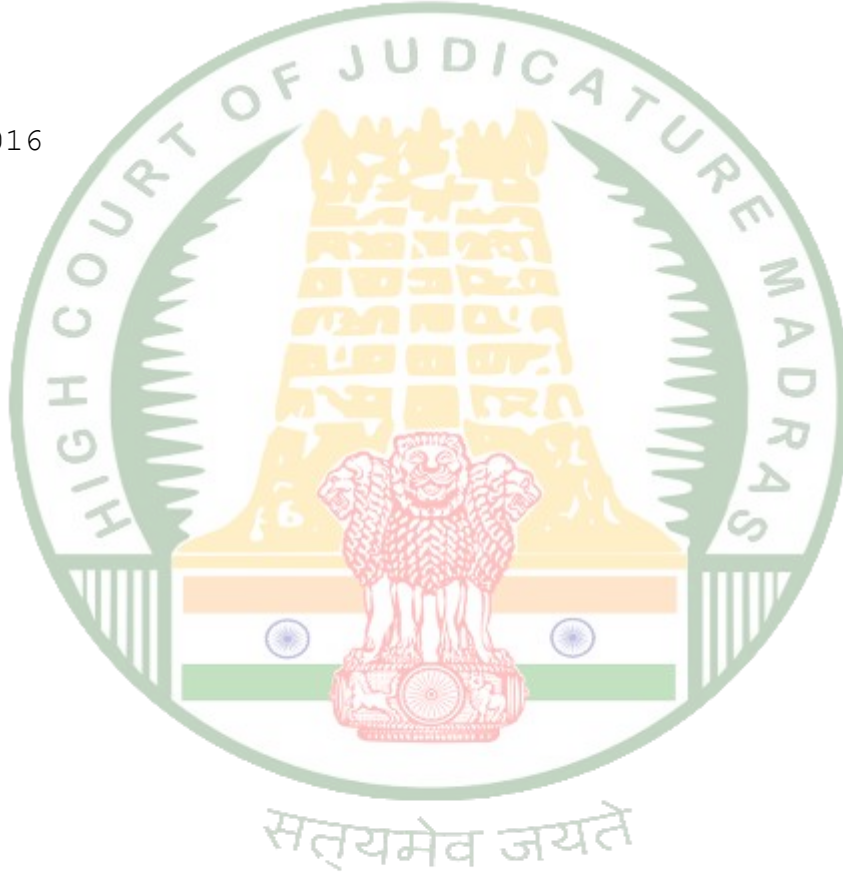
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To

The Presiding Officer
Labour Court
Cuddalore.

W.P. No: 31362 of 2014

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