

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No.30245 of 2016

&

W.M.P. No. 26236 of 2016

The Management  
Stanmore Estate,  
Tea Estate India Limited,  
rep. by its Deputy Manager,  
Antony George Gonsalves,  
Valparai, Coimbatore District. ...Petitioner

Vs.

1. The Presiding Officer,  
Industrial Tribunal,.  
Chennai 600 014.
2. Mr. Mohanraj ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus after calling for the records from the 1<sup>st</sup> respondent in I.A. No. 106 of 2015 in A.P.S.R. No. 824 of 2013 in I.D. No.26/2010 dated 10.02.2016, quash the same and consequently, direct the 1<sup>st</sup> respondent to number the approval petition and hear the matter afresh in accordance with law.

For Petitioner :: Mr.A. Esakkiappan

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O R D E R

The petitioner is the Management, which is aggrieved over the dismissal of I.A. No. 106 of 2015 filed to condone the delay of 542 days in re-presenting the Approval Petition in A.P.S.R. No. 824 of 2013 filed by the petitioner.

2. Heard the learned counsel for the petitioner.

3. It is seen that the 2<sup>nd</sup> respondent was working as an unskilled workman on daily wages basis under the petitioner Management. It is alleged that the 2<sup>nd</sup> respondent abused his superiors and disobeyed the orders of the Superiors. Therefore, proceedings were initiated against him and taking into account, his past conduct, an order of dismissal was passed on 19.06.2013. To obtain the approval of the Industrial Tribunal with regard to the dismissal order passed against the 2<sup>nd</sup> respondent/workman, the petitioner moved the Industrial Tribunal and filed the approval petition on 01.07.2013. The same was returned for certain compliances on 17.09.2013 and after a delay of 542 days, the same was re-presented on 18.05.2015 along with I.A. No. 106 of 2015 to condone the said delay. The Tribunal, by order dated 10.02.2016, dismissed the I.A. Aggrieved by the said order, the present writ petition has been filed.

4. A perusal of the records would show that the 2<sup>nd</sup> respondent/workman was dismissed from service by the petitioner, as early as on 19.06.2013 and thereafter, the approval petition was promptly filed on 01.07.2013. It was returned for certain compliances on 17.09.2013. In the meanwhile, the workman had filed C.P. No. 42/2014 seeking wages and the petitioner Management filed their counter in the said Claim Petition on 24.07.2014, after receipt of notice on 15.05.2014. However, even after receipt of notice in the claim petition and filing of counter in the said petition, the petitioner did not take any steps to re-present the approval petition before the Tribunal. That aspect was rightly taken into consideration by the Tribunal and the condone delay petition came to be dismissed. There is no explanation given by the petitioner justifying the delay except that the papers were not traceable. Hence, this Court is the view that the Tribunal was right in dismissing the I.A. filed to condone the delay and the order passed by the Tribunal is valid and does not warrant any interference. The writ petition fails and the same is dismissed. No costs. Connected W.M.P. is closed.

Sd/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

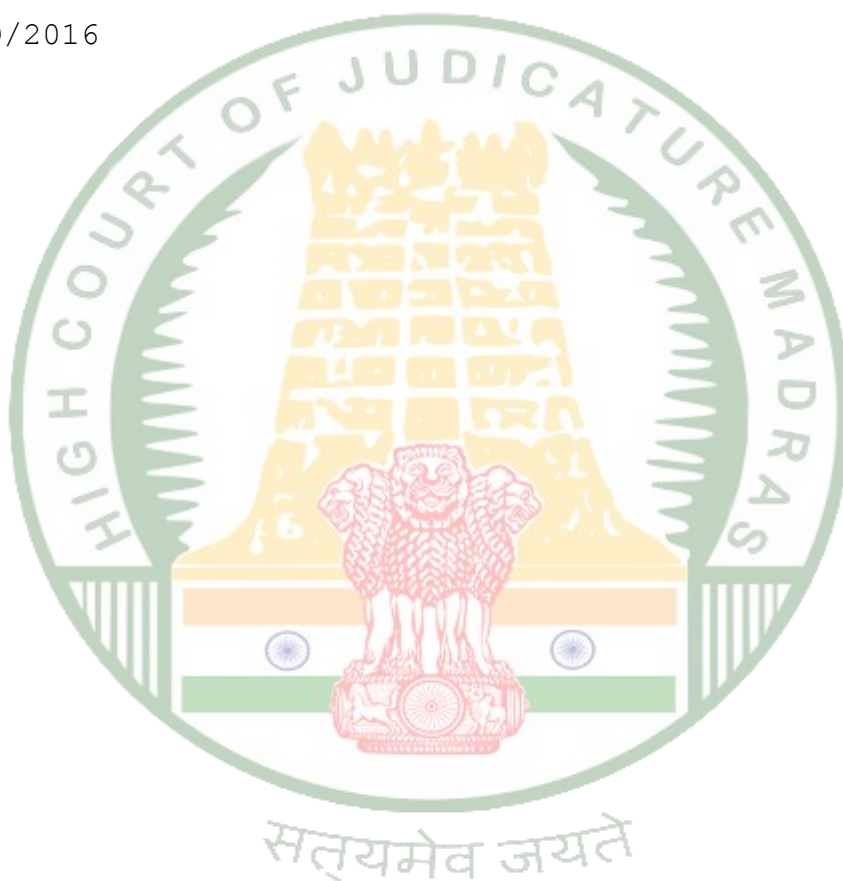
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TO  
The Presiding Officer,  
Industrial Tribunal,.  
Chennai 600 014.

+1 CC to Mr. A. Esakkiappan, Advocate, Sr.49504

W.P. No. 30245 of 2016

BVR (CO)  
MD : 15/09/2016



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