



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.6066 of 2016

and

W.M.P (MD) No.5367 of 2016

WEB COPY

The Secretary,
TNSPL-50,
Jegaveerapandiapuram Primary Agricultural
Co-operative Society,
Jegaveerapandiapuram,
Thoothukudi District.

... Petitioner

Vs.

1.Muniasamy

2.The Deputy Registrar of Co-operative Societies,
Thoothukudi, Thoothukudi District.

3.The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order passed in I.A.No.330 of 2014 in I.D.No. 82 of 2011 dated 12.03.2015 from the file of the 3rd respondent Labour Court Tirunelveli and to quash the same and consequently direct the 3rd Respondent and to condone the delay of 91 days.

For Petitioner : Mr.M.R.Sreenivasan

For 2nd Respondent : Mr.T.R.Janarthanam,
Additional Government Pleader.

ORDER

The writ petition is directed against the order passed in I.A.No.330 of 2014 in I.D.No.82 of 2011, dated 12.03.2015. The award passed against the petitioner on 19.10.2012 which was an ex parte award. Originally, the petitioner filed an application to set aside the said award with a delay of 91 days. The said application was returned for certain compliances and thereafter, it was represented with a delay of 619 days. In the affidavit filed in support of the application to condone the delay of representation, there was no reason given for the said delay and the affidavit is bereft of details either for the delay in representation or for the delay in filing. Therefore, the Labour Court recording the behaviour of the petitioner dismissed the petition which reads as follows:-

"At this juncture, it is also necessary for this Court to point out the way in which the affidavit was filed by the petitioner. The petitioner was not polite in submitting this application. The averments were commanding in nature which is not



liked by this Court. However, that is not the reason in any way for the dismissal of the petition".

2.It is seen that the original award is only a direction given to the petitioner to regularise the services of the first respondent herein. When the right given under the award has already been crystallized, the petitioner chose to avoid the same by filing application with inordinate delay and not diligent enough to prosecute the same and represented the application after 619 days delay. The callous attitude of the petitioner should not jeopardise the interest of the first respondent whose valuable right given under the award is crystallized. As there is no reason to set aside the said award, the Labour Court has rightly dismissed the said petition.

3.In view of the above, there is no reason to interfere with the said order passed by the Labour Court. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)No.5367 of 2016 is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub AssistantRegistrar

To

1.The Deputy Registrar of Co-operative Societies,
Thoothukudi, Thoothukudi District.

2.The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.

+1cc to Mr.Sreenivasan, Advocate SR.No.17315/16
+1cc to special Government Pleader Sr.NO.17563/15

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