

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.7928 of 2017
and W.M.P.No.8677 of 2017

The Management of Doosan Power Systems,
India Private Limited,
(Formerly known as Foosan Chennai Works
Private Limited),
No.18/2A, Sennerkuppam Bye Pass Road,
Poonamallee, Chennai - 600 056. ...Petitioners

Vs.

1.The Presiding Officer,
Second Additional Labour Court,
Chennai.

2.D.Kannan. ...Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue a writ particularly in the nature of a writ of certiorari or any other appropriate writ or order or directions to call for the records from the file of the first respondent herein in I.A. No.1 of 2017 in I.D. No. 664 of 2010 on the file of the first respondent herein and to quash the order dated 17.02.2017.

For Petitioner : Mr.H.Balaji

For Respondents : Mr.K.Bharathi (For R2)
R1-Court.

ORDER

Heard Mr.H.Balaji, learned counsel appearing for the petitioner and Mr.K.Bharathi, learned counsel appearing for the second respondent.

2.The petitioner filed an application to reopen his evidence being the respondent in I.D.No.664 of 2010. The said application was dismissed rightly by the Labour Court/first respondent herein having found that the earlier opportunities have not been utilized and the petitioner was absent.

3.The learned counsel appearing for the petitioner would submit that there is a change in Management and that is the reason why the opportunities would not utilized. Now the petitioner is ready and willing to utilize the opportunity.

4.The learned counsel appearing for the second respondent would submit that despite several opportunities having been given, the petitioner has been dragging on the matter. Learned counsel also submit that a specific date may be fixed for letting evidence on behalf of the petitioner and there must be a default clause that if on the day the petitioner is not ready and willing, then the matter will be proceeded by the Labour Court.

5.Though this Court does not find any error in the order passed by the Labour Court, in order to give a final opportunity, the petitioner is hereby permitted to reopen its evidence on condition that the petitioner shall appear before the Labour Court on 25.04.2017 and complete its plausible evidence and on that day itself, the second respondent can cross examine the petitioner. Thereafter the Labour Court/first respondent herein shall proceed with the matter.

6.For dragging on the matter for so long, the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) to the learned counsel appearing for the second respondent within a period of two weeks from the date of receipt of a copy of this order by way of cost. It is made clear that this order is not comply with, then it is well open to the first respondent to proceed the matter not by ignoring the order passed.

7.With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cse/abr

To

The Presifing Officer,
Second Additional Labour Court,
Chennai.

+lcc to Mr.H.Balaji,sr.19836

ad(co)

ss(6/4/2017)

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