

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.33006 of 2017
and
W.M.P.No.36369 of 2017

The Management of
K-2072, Annur Primary Agriculture Co-operative Society,
Rep. by its President,
Annur, Coimbatore District. ... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Coimbatore.
2. Smt.Radhamani,
W/o.Moorthy,
Door NO.15-14,
Dharmar Koil Street,
Annur, Coimbatore District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order dated 14.11.2017 made in I.D.No.180 of 2010 on the file of the 1st respondent and quash the same and consequently, remand back to the 1st respondent to conduct fresh enquiry after giving opportunity to the petitioner and then pass fresh order.

For Petitioner : Mr.L.P.Shanmugasundaram

ORDER

This writ petition has been filed challenging the correctness of the order dated 14.11.2017 in I.A.No.801 of 2017 in I.D.No.180 of 2010 dated 14.11.2017 passed by the Presiding Officer, Labour Court, Coimbatore (1st respondent herein, dismissing the application filed by the petitioner to restore I.D.No.180 of 2010, which was dismissed exparte on 16.05.2017.

2.The 2nd respondent herein viz., Smt.Radhamani, raised an Industrial Dispute No.180 of 2010 under Section 2A(2) of Industrial Disputes Act, 1947, to set aside the dismissal order dated 17.07.2009, with a direction to the Management to reinstate her into service with continuity of service and other benefits. Opposing the said prayer, a counter affidavit was filed by the Management on 14.09.2011. But, no original documents were filed by the Management to substantiate their case to confirm the order of dismissal dated 17.07.2009. Further, since no one appeared on behalf of the Management before the Labour Court on many occasions, the Labour Court came to the conclusion that the Management/petitioner herein was also not diligent in defending the Industrial Dispute and as such, the Labour Court set the Management exparte. Further, the Labour Court, Coimbatore, finding the inability of the Management in not producing the relevant official documents, on the strength of the proof affidavit filed by the employee (2nd respondent herein) dated 05.07.2016 and Exhibits W1 to W11 marked on her side, passed an exparte order on 16.05.2017. After the expiry of 30 days period, an application in I.A.No.801 of 2017 was filed by the Management seeking to restore the main ID. While dismissing the said petition by the impugned order, the Labour Court has observed that the Award becomes enforceable under Section 17-A of the Industrial Disputes Act, on the expiry of 30 days from the date of publication in the notice board of the Labour Court Office and the Labour Court becomes functus officio and lacks jurisdiction to entertain the dispute.

3.This Court also finds that there is no error in the impugned order passed by the Labour Court. When the exparte order was passed on 16.05.2017 and the same was published in the Notice Board in the Office of the Labour Court, it is not known how the Management can keep quite without moving any application within 30 days time, as a result the Labour Court became functus officio. Hence, this Court is not inclined to entertain the writ petition.

Accordingly, the writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssv

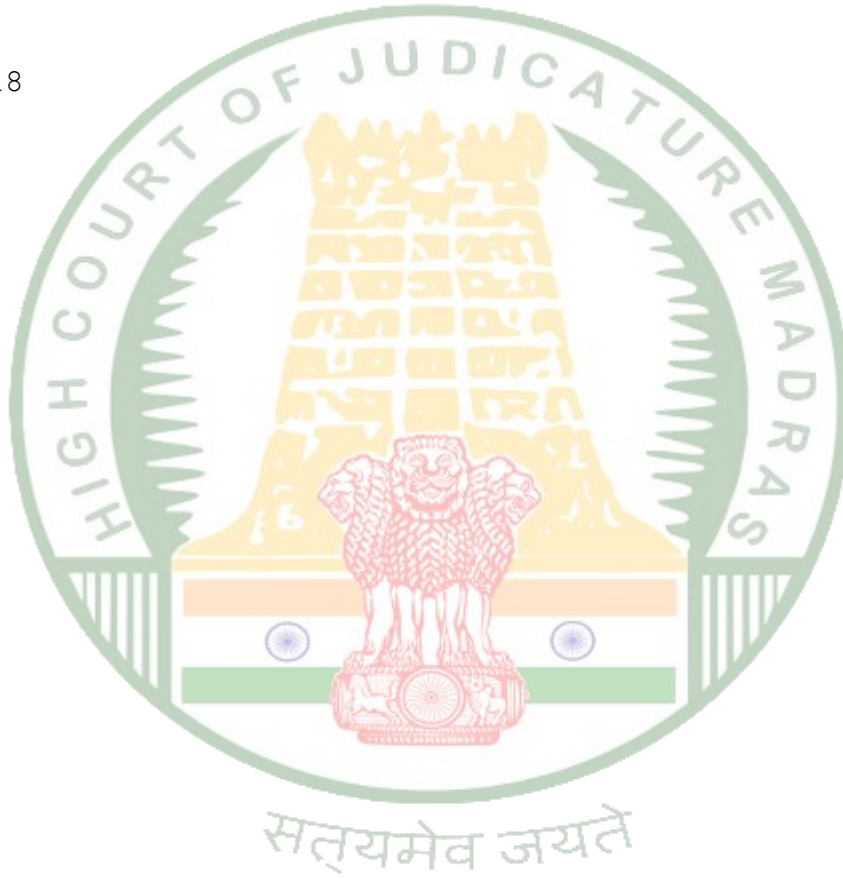
To

1. The Presiding Officer,
Labour Court,
Coimbatore.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.91032

W.P.No.33006 of 2017
and
W.M.P.No.36369 of 2017

CS/23/01/18



WEB COPY