

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.41320 of 2002

The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.Tmt.Nachal,
W/o.Late.Chinnan,
No.46, C.M.C.Colony,
Uppilipalayam Post,
Coimbatore - 641 015.

.... Respondents

Prayer : Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari after calling for the records of the first respondent pertaining to his proceedings in C.P.No.409/99 and quash the order dated 13.06.2000.

For Petitioner : Mr.R.Sivakumar

For Respondents : R1 - Court
R2 - No Appearance

O R D E R

The Award of the Labour Court , Coimbatore, dated 13th June 2000 in Computation Petition(C.P) No.409 of 1999 is under challenge in this writ petition.

2.The learned counsel appearing for the writ petitioner made a submission that the 2nd respondent/workman is not entitled for pension, in view of the fact that as on the date of issuance of G.O.Ms.No.437 dated 23.06.1988, the husband of the 2nd respondent was not eligible for counting of half of the services rendered

by him on temporary basis. However, the Labour Court, Coimbatore has passed an ex-parte award and the writ petitioner has not been given opportunity to defend their case before the Labour court.

3.The learned counsel appearing for the writ petitioner further stated that the service records of the husband of the 2nd respondent are not available with the writ petitioner corporation and in fact, the same was kept by the erstwhile Municipal Corporation where the husband of the 2nd respondent was working. However, the order of the Labour Court is an ex-parte order and the writ petitioner is entitled for an opportunity to defend the case in accordance with law, by producing the relevant records and adducing evidences in this regard. Such being the factum of the case, it is preferable to remand the matter back to the Labour Court, Coimbatore for effective adjudication and take a decision on the issues raised by the parties. Thus, the Award passed by the 1st respondent in C.P.No.409 of 1999 is quashed and the matter is remanded back to the 1st respondent for reconsideration, for fresh hearing and for adjudication.

3.Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kak/kv

To

The Presiding Officer, सत्यमेव जयते
Labour Court,
Coimbatore.

+1cc to Mr.R.Sivakumar, Advocate, S.R.No.71270

W.P.No.41320 of 2002

BR(CO)
CA(07/11/2017)