



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

WEB COPY

The Hon`ble Mr.Justice ABDUL QUDDHOSE

WMP(MD) No.15293 of 2017 IN
WP(MD) No.9960 of 2009

THE ASSISTNT ENGINEER,
VAIGAI MICRO HIDAL POWER STATION,
TAMIL NADU ELECTRICITY BOARD,
VAIGAI DAM,
THENI DISTRICT.

... PETITIONER/PETITIONER

Vs

1 V.MANIKANDAN

2 THE PRESIDING OFFICER,
LABOUR COURT, MADURAI.

... RESPONDENTS/RESPONDENTS

Prayer in WMP(MD) No.15293 of 2017:

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to set aside the order of dismissal dated 22.08.2017 and to restore WP(MD)No.9960 of 2009 on to file of this Hon'ble Court.

Prayer in WP(MD)No.9960/2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the second respondent labour Court dated 12/08/2008 in I.D.No.54 of 2002 and quash the same.

ORDER : This Writ Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.T.S.GOPALAN & CO., Advocate for the petitioner and the First Respondent not appear in person or through his counsel, the court made the following order:-

The instant miscellaneous petition has been filed by the petitioner to restore W.P.(MD)No.9960 of 2009 which was dismissed for non-prosecution by this Court on 22.08.2017.

2.The reason given in the affidavit in support of the restoration petition is that the writ petition was filed by the earlier standing counsel for the petitioner Mr.V.Kasinathan in the year 2009. Subsequently, there was a change in the panel. The bundles which were taken care of were handed over to the board.



According to the petitioner, they believed that all the bundles were handed over to the present standing counsel including the case file of the instant writ petition. But, unfortunately the present writ petition got mixed up with the other papers in the office.

3. When the matter was listed for hearing on 22.08.2017, the counsel on record for the petitioner was disclosed as Mr.V.Kasinathan, who was the previous standing counsel for the petitioner. Hence, the new standing counsel was not aware of the listing of the matter on 22.08.2017. Therefore, there was no appearance on the side of the petitioner on 22.08.2017 and this Court had dismissed the writ petition for non-prosecution.

4. According to the petitioner, immediately on coming to know about the dismissal of the writ petition, they have filed the instant W.M.P.(MD)No.15293 of 2017 to restore the writ petition which was dismissed for non-prosecution. The petitioner has also served notice of the present miscellaneous petition on the respondents. Despite service of the notice there is no appearance on the side of the first respondent today, eventhough, the name of the counsel appearing for the first respondent is printed in the cause list.

5. This Court is satisfied with the reasons given in the affidavit filed in support of this petition. Accordingly, W.M.P. (MD)No.15293 of 2017 is allowed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

TO

THE PRESIDING OFFICER,
LABOUR COURT, MADURAI.

COPY TO:-

THE SECTION OFFICER, WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

DATED : 21.12.2017

ORDER

WMP(MD) No.15293 of 2017 IN
WP(MD) No.9960 of 2009

Giving direction as stated
within.