

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.09.2018

CORAM:
THE HON'BLE Dr. JUSTICE S.VIMALA

W.P.No.38814 of 2004
and W.P.M.P.No.46375 of 2004

The Managing Director,
M/s.Compact Electric Ltd.

... Petitioner

versus

1.The Presiding Officer,
Principal Labour Court,
Chennai - 600 104.

2.G.Balasubramanian

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorari, to call for the records pertaining to the impugned order dated 31.12.2003 of the 1st respondent herein passed in I.A.No.230 of 2002 in C.P.No.51 of 2000 on the file of the 1st respondent herein and to quash the same.

For Petitioner : Mr.A.R.Gokulnath

For R2 : No appearance

ORDER

The order passed by the Principal Labour court, Chennai, permitting the workman to file a reply statement is under challenge in this writ petition.

2. The learned counsel appearing for the Management submitted that the reply statement, which is sought to be filed by the workman, was already received by the Management and therefore, there is no necessity to file a petition under Section 106 C.P.C. before the Labour Court, seeking permission to file a reply statement.

3. A perusal of the order dated 31.12.2003 reveals that the petition to receive reply statement has been allowed.

4. Just because the copy of the reply statement by the workman has been received by the Management it does not mean that it would be received by the Court also. The reception of

the reply statement by the Labour Court is not automatic but it depends upon the discretion of the Court. Anticipating that the petition should not be returned for want of notice to the other side, the petitioner would have provided the copy to the management. Therefore, it cannot be contended that reception of the copy of the reply statement would amount to reception of the reply statement by the court itself. Therefore, the impugned order does not suffer from any infirmity.

5. In the result, the writ petition is disposed of, however with a direction to dispose of the main C.P within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ogy/srk

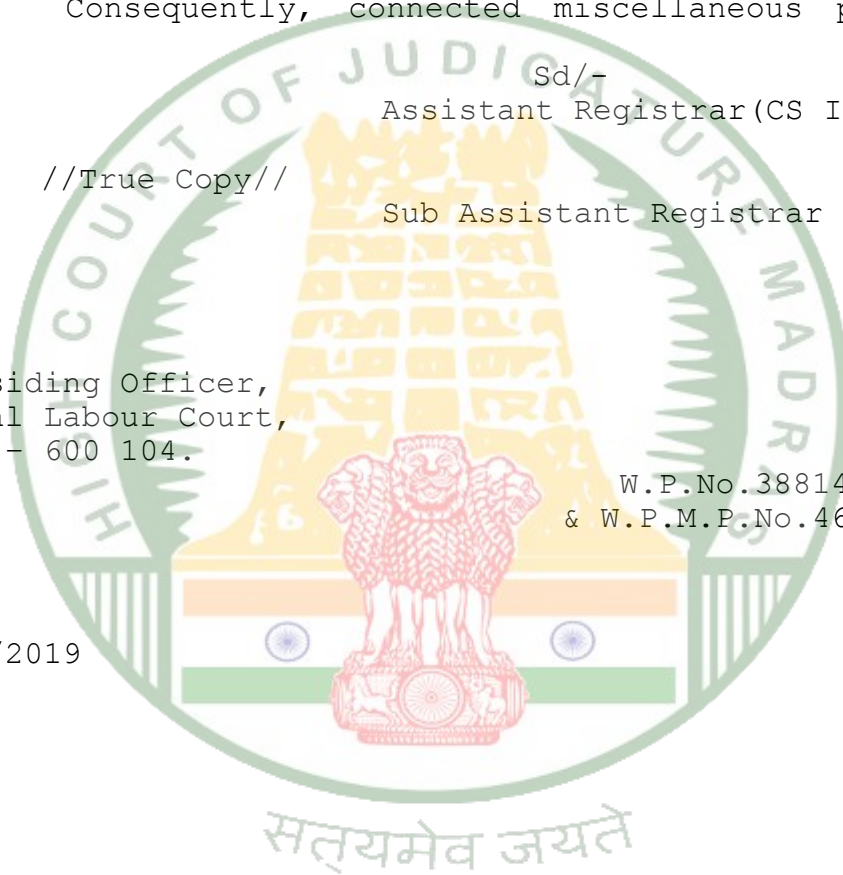
To

1.The Presiding Officer,
Principal Labour Court,
Chennai - 600 104.

W.P.No.38814 of 2004
& W.P.M.P.No.46375 of 2004

CA(CO)

rrs 18/02/2019



WEB COPY