

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.3743 of 2018

& W.M.P.No.4557 of 2018

Balasubramanian, J.,
Authorised Signatory of
Dollar Biscuit Company Pvt. Ltd.,
B-4, Sipcot Industrial Estate,
Orakatam, Sriperumpudhur Taluk,
Kanchipuram - 602 105. ... Petitioner
Vs.

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

2.A.Mohan Raj ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the proceedings and order passed by the first respondent in I.D.No.466 of 2010 dated 11.10.2010 and to quash the same.

For Petitioner : Ms.G.Ponmani
for M/s.Nathan and Associates

O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed challenging the impugned order passed by the first respondent in I.D.No.466 of 2010, in and by which, the learned II Additional City Civil Court, Chennai, passed the exparte award, directing the petitioner to reinstate the second respondent in service with backwages and other retiral benefits.

3. The impugned order passed by the first respondent shows that the petitioner / Management was proceeded with the exparte award on 11.10.2010. However, the petitioner was unable to file

an application to set aside the exparte award. Subsequently, the petitioner filed C.P.No.84 of 2012 to condone the delay of 180 days in filing the petition and also to set aside the exparte award. The said petition was allowed on 25.01.2012 with condition to pay Rs.200/- to the State Legal Authority on or before 21.02.2012. Unfortunately, the petitioner committed default in not complying the conditional order. Therefore, the conditional order was also vacated on 22.02.2012 dismissing the application to set aside the exparte Award. As against that, the petitioner has not preferred any Appeal. While so, the second respondent has filed E.P.No.205 of 2013 against the order dated 24.05.2013 in C.P.No.34 of 2012.

4. At this stage, the petitioner has come to this Court questioning the impugned order dated 11.10.2010, without challenging the order dated 22.02.2012 dismissing the application to set aside the expart Award. Therefore, this Writ Petition filed is totally misconceived. Accordingly, the Writ Petition fails and the same is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

To

The Presiding Officer,
II Additional Labour Court,
Chennai.

W.P. No.3743 of 2018
& W.M.P.No.4557 of 2018

VS 08.03.2018

WEB COPY