

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WA.No.408/2018 and CMP.No.3430 of 2018

The Management Indian Christian Mission
Centre rep.by S.Jayaraj Krishnan
Now.289/55-1, Vasanthapuram
Kannankurichi Post
Salem-8.

... Appellant/Writ
Petitioner

vs.

1.Mr.V.Rathinam
2.The Presiding Officer
Labour Court, Salem.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order passed in WP.No.516/2018 dated 11.01.2018 by this
Court.

WP.516 OF 2018:

*Petition filed Under Article 226 of the Constitution of
India praying for the issuance of writ of Certiorari, to call
for the records in the impugned dismissal order dated 07.11.2017
made in I.A. No.255 of 2015 in I.D. No.122 of 2011 on the file
of the 2nd respondent viz. The Learned Presiding Officer, Labour
Court, Salem and quash the same*

For Appellant : Mr.B.Manimaran

JUDGMENT

[Judgment of the Court was delivered by C.T.SELVAM, J.,

Present Intra-Court Appeal has been filed by
appellant/respondent in writ petition, against order made in
WP.No.516/2018 dated 11.01.2018.

2 Writ petitioner filed ID.No.122/2011 before the Labour Court, Salem, seeking reinstatement with continuity of services and back wages. Labour Court, under Award 06.12.2012, passed an Ex-Parte Award, ordering reinstatement of writ petitioner along with continuity of service and full back wages. Labour Court made observations on non-filing of counter affidavit by Management despite affording several opportunities. Management was set ex-parte on 09.10.2012 and Award was passed on 06.12.2012. Writ petitioner filed Claim Petition No.227/2013, claiming Rs.1,97,652/- towards back wages, bonus, leave salary and festival allowances. Same was also ordered as prayed for under order 08.01.2014. Management filed IA.No.255/2015 to condone the delay of 1034 days in filing the petition to set aside the ex-parte order. Labour Court, under order 07.11.2017, dismissed the Interlocutory Application, rejecting the reasons stated by the Management. Court below also observed that there exists not only a delay of 1034 days in filing ; but also 475 days further delay in filing IA.No.134/2017 for filing additional sworn in statement and additional document and in all, the delay was 1509 days. Appellant, challenging the said dismissal, filed WP.No.516/2018, which came to be dismissed by the learned Single Judge on 11.01.2018 by observing that the writ petitioner has failed to explain each day's delay with plausible explanation. Aggrieved over the same, present appeal came to be filed by the Management.

3 Heard learned counsel for the appellant and perused the typed set of documents.

4 Having considered the reasons assigned by the Labour Court as well as by the learned Single Judge, this Court finds no merit in the writ appeal. Further, as appellant has travelled abroad without contesting the case and has not shown interest in filing counter before the Labour Court, this Court finds no reason to come to aid of appellant. Hence, this Court is of the view that writ appeal is devoid of merits.

5 Accordingly, writ appeal stands dismissed, confirming the order passed in WP.No.516/2018 dated 11.01.2018. No costs. Consequently Connected Miscellaneous Petition is Closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

AP

To
The Presiding Officer,
Labour Court, Salem.

WA.No.408/2018

cnr (CO)
TR(23/03/2018)



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