

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.No.9720 of 2004
and
WPMP No.11366 of 2004

Union of India,
Rep. by its Managing Director,
Hindustan Photo Films Ltd.,
Ootacamund. ..Petitioner

vs

1.The Presiding Officer,
Principal Labour Court,
Chennai.

2.K.Jayaraman ...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records pertaining to the order dated 16.03.2004 made in I.A.No.120 of 2004 in CCP No.8/2003 on the files of the first respondent and quash the same.

For petitioner: Ms.Ritachandrasekar
for M/s.Aiyar & Dolia
For Respondents: R1-Court
No Appearance for R2

सत्यमेव जयते
O R D E R

This writ petition is filed to quash the order dated 16.03.2004 made in I.A.No.120 of 2004 in CCP No.8/2003 passed by the first respondent.

2.Heard Ms.Rita Chandrasekar, representing M/s.Aiyar and Dolia, learned counsel for the petitioner. There is no representation for the second respondent.

3.The second respondent had made a claim under Section 33-C(2) of the Industrial Disputes Act, 1947, before the First Respondent/Labour Court, Chennai, against the Petitioner and it resulted in an exparte order dated 30.01.2004 to the effect of directing the Petitioner to pay a sum of Rs.2,59,220/- to the

Second Respondent. The Petitioner had filed an application to set aside the exparte order of the Labour Court along with the application bearing I.A.No.120 of 2004 to condone the delay of 26 days in filing the same. While ordering notice to the Second Respondent in the said application, the Labour Court directed the Petitioner to remit half of the claim amount. Aggrieved thereby, the Petitioner has filed this Writ Petition.

4.It appears that the Labour Court had imposed the said condition of the depositing the half of the claim amount in order to safeguard the interests of the Second Respondent and thereby balance equities between the parties, which cannot be said to be perverse or unreasonable requiring interference by this Court in the exercise of the discretionary powers of this Court under Article 226 of the Constitution. Hence, the impugned order is confirmed and the Writ Petition is dismissed. No costs. The connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vri

To
The Presiding Officer,
Principal Labour Court,
Chennai.

+1cc to for M/s.Aiyar & Dolia, Advocate sr.no.46069

W.P.No.9720 of 2004

nr 06/08/2018

सत्यमेव जयते

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