



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twelfth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

WMP(MD) No.19426 of 2018
IN
WP(MD) No.7483 of 2009

1 THE CHIEF ENGINEER,
TUTICORIN THERMAL POWER STATION,
TUTICORIN -628004.

2 SUPERINTENDING ENGINEER,
ELECTRICAL SYSTEM,
TUTICORIN THERMAL POWER STATION, TUTICORIN

3 EXECUTIVE ENGINEER,
ELECTRICAL MAINTENANCE, DIVISION-1,
TUTICORIN THERMAL POWER STATION, TUTICORIN

4 THE MANAGING DIRECTOR,
TUTICORIN THERMAL POWER STATION,
INDUSTRIAL COOPERATIVE SOCIETY LTD,
IND.NO.1742, TUTICORIN -628004

5 THE CHAIRMAN,
TAMILNADU ELECTRICITY BOARD,
144, ANNA SALAI,
CHENNAI -600002.

... PETITIONER/WRIT PETITIONER

Vs

1 S.VEERAPERUMAL

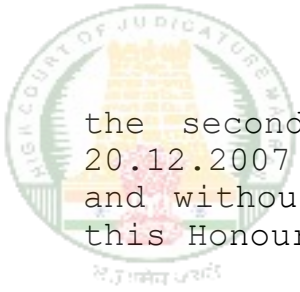
2 THE PRESIDING OFFICER,
LABOUR COURT, TIRUNELVELI.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the impugned order dated 16.02.2012 passed in WP(MD)NO.7483 of 2009 dismissing the above writ petition for non-payment of batta and restore the same on the file of this Honble court.

Prayer in WP(MD). 7483/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari or any other appropriate Writ or order or direction calling for the records of



the second respondent Labour Court relating to its award dated 20.12.2007 passed in I.D.No.35 of 2002 and quash the same as illegal and without jurisdiction and pass such further or other orders as this Honourable Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.P.MALINI, Advocate M/S.T.S.GOPALAN & CO, Advocate for the petitioner, the court made the following order:-

It is seen that W.P.(MD)No.7483 of 2009 was dismissed for default, as against the first respondent on 13.07.2010, for non-payment of Batta and as against the second respondent on 16.02.2012, since the second respondent is only a formal party. Admittedly, W.P.(MD)No.7483 of 2009 was not dismissed on merits and considering the fact that every litigant wants his case to be decided on merits, this Court is inclined to allow the present Writ Miscellaneous Petition.

2. Accordingly, this writ miscellaneous petition is ordered and the order dated 16.02.2012 is recalled and W.P.(MD)No.7483 of 2009 along with M.P.(MD)Nos.1 of 2009 & 1 of 2011 are restored to file.

3. Registry is directed to post the writ petition for hearing on 08.11.2018. Learned Counsel for the petitioners is directed to take private notice to the respondents returnable by 08.11.2018. Till 08.11.2018, there shall be an order of interim stay in M.P.(MD) No.1 of 2009 in W.P.(MD)No.7483 of 2009.

sd/-
12/10/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE PRESIDING OFFICER,
LABOUR COURT, TIRUNELVELI.

+1. C.C. to M/S.P.MALINI Advocate SR.No.19595

ORDER
IN
WMP(MD) No.19426 of 2018
IN
WP(MD) No.7483 of 2009
Date :12/10/2018