



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2018**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 10836 of 2014
and

M.P. (MD). No. 1 of 2014

The Management,
0775, Attur Kaspha Primary Agriculture
Co-operative Bank Limited,
Attur,
Tiruchendur Taluk,
Thoothukudi District.

.. Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Tirunelveli.

2. P.Ramakalanchiyam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his Proceedings in I.A. No. 610 of 2012 in C.P. No.4 of 2008 dated 09.04.2014 and quash the same insofar as direction to the petitioner to deposit the amount before the nationalized bank alone and consequently directing the first respondent to hear the case on merit in accordance with law.

For petitioner	: Mr. S.Karthik
For Respondent No.2	: Mr.D.Saravanan
Respondent No.1	: Labour Court

O R D E R

Heard the learned counsel on either side

2. The management of a cooperative society is the petitioner. The second respondent herein was dismissed from service. He raised I.D.No.553 of 1992 before the Labour Court, Tirunelveli. An award was passed in his favour. The petitioner questioned the same before this Court in W.P.(MD).No.11571 of 2008.

<https://hcservices.ecourts.gov.in/hcservices/> The Writ was fairly submitted by the learned counsel for the petitioner that the said Writ Petition was dismissed.



4.The present writ petition is against the order passed by the Labour Court imposing a condition for permitting the petitioner to contest the petition filed by the workman under Section 33 C.(2) of the Industrial Dispute Act. When the workman took out an application under Section 33 C (2) of the Industrial Dispute Act, the same was allowed on ex parte basis. To set aside the same petitioner herein filed an application. There was delay in filing the set aside petition. The said delay was condoned on condition to pay a sum of Rs.3,00,000/-. Against this order, the present writ petition has been filed.

5.Heard the learned Counsel on either side.

6.This Court has to take note of the subsequent developments. Since the writ petition against the primary award had already been dismissed, the question of interfering with the order passed under Section 33 C (2) of the Industrial Dispute Act, which is consequential in nature does not arise. Therefore, this Writ Petition stands dismissed. No costs. Consequently, M.P. (MD). No. 1 of 2014 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

The Presiding Officer,
Labour Court,
Tirunelveli.

+1cc to Mr. S.Karthik, Advocate Sr.No.49127
+1cc to Mr.D.Saravanan, Advocate Sr.No.49576

KMI

VB/JC/SAR3/04/05/2018/2P/4C

ORDER MADE IN
W.P. (MD) No. 10836 of 2014
15.02.2018