

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.08.2018****CORAM:****THE HONOURABLE MR.JUSTICE V.PARTHIBAN****W.P.(MD) Nos.18510 & 18511 of 2018**

R.Ganesan ... Petitioner in both W.Ps.
vs.

1.A.E.Marimuthu

2.The Management

Sri Vinayaga Agency

120, P.K.S.A.Arumuga Nadar Road

Sivakasi

... Respondents in both W.Ps.

PRAYER (in W.P.(MD) No.18510 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the entire record pertaining to the impugned summon dated 11.11.2016 issued to the petitioner in E.A.No.10 of 2016 in E.P.No.12 of 2015, on the file of the Labour Court, Madurai, filed on the basis of the ex-parte award passed in IDOP No.23 of 2014, dated 07.01.2015.

PRAYER (in W.P.(MD) No.18511 of 2018): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the entire record pertaining to the impugned summon dated 23.11.2016 issued to the petitioner in I.A.No.286 of 2016 in C.P.No.50 of 2015, on the file of the Labour Court, Madurai, filed on the basis of the ex-parte award passed in IDOP No.23 of 2014, dated 07.01.2015.

For Petitioner : Mr.P.M.Vishnuvarthanan

C O M M O N O R D E R

Since the issues involved in both the writ petitions are one and the same, they have been clubbed together, heard together and are being disposed of by this common order.

2. Both the writ petitions have been filed as against the summons issued by the Labour Court, Madurai, in respect of the claim



made by the first respondent - employee.

3. According to the petitioner, he was not made as a party either in the industrial dispute petition or in the computation petition filed by the first respondent - employee. When such being the position, the present attempt to implead the petitioner herein in the execution petition is not maintainable and therefore, he is before this Court seeking to quash the summons issued to him by the Labour Court, Madurai.

4. The learned counsel for the petitioner made his submissions. However, this Court is of the view that in case the petitioner is not a necessary party in the execution petition filed by the first respondent - employee, it is always open to him to appear before the Labour Court, Madurai and file his objections. It is certainly not open to the petitioner to approach this Court and invoke its extra-ordinary jurisdiction under Article 226 of the Constitution of India merely on the basis of the summons issued to him by the Labour Court.

5. In response to the summons, the petitioner can raise his objections and contentions as he deems it fit and such objections and contentions would be considered by the Labour Court while adjudicating the execution petition filed by the first respondent - employee.

6. Therefore, this Court is of the considered view that the writ petitions as against the summons issued by the Labour Court, Madurai, are not maintainable and hence, both the writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (WRIT)

// True Copy //

Sub Assistant Registrar(CS-I)

TO
THE LABOUR COURT, MADURAI.

W.P. (MD) Nos.18510 & 18511 of 2018

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