



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.18258 of 2017

and

W.M.P. (MD)No.14705 of 2017

1.D.Irudhayaraj  
2.A.Murugesan  
3.T.Nagarathinam  
4.R.Kamatchi

... Petitioners

Vs.

1.The Presiding Officer,  
Labour Court,  
District Court Buildings,  
Madurai - 625 020.

2.The Management,  
Pepsico India Holdings Private Limited,  
No.5, NH-7, Dindigul Main Road,  
Paravai - 625 402.  
Madurai District.

3.Mr.Xavier

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in pursuant to the impugned order passed by the first respondent in I.A.Nos.209, 210, 211 and 212 of 2016 in I.D.Nos.84, 85, 86 and 87 / 2014 dated 27.07.2017 and quash the same.

For Petitioners : Mr.S.Nallathambi  
For R-1 : Labour Court  
For R-2 : Mr.D.Shanmugha Raja Sethupathy

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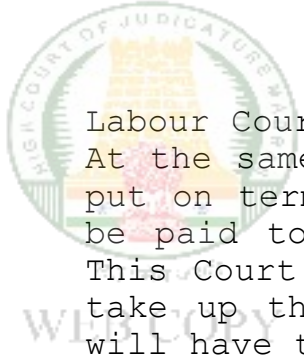
O R D E R

Heard the learned counsel on either side.

2.The writ Petitioners herein filed I.D.Nos.84, 85, 86 and 87 of 2014 dated 27.07.2017 before the Labour Court and ex-parte awards were passed. In order to set aside the same, the second respondent herein filed I.A.Nos.209, 210, 211 and 212 of 2016. There was delay in filing the said set aside applications. The Labour Court allowed the said applications for condonation of delay on payment of cost of Rs.5,000/-. Aggrieved by the same, the petitioners have come before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

3.This Court is of the view that the orders passed by the



Labour Court being equitable in nature, need not be interfered with. At the same time, the second respondent will have to be necessarily put on terms. The Labour Court had awarded a sum of Rs,5,000/- to be paid to each of the workman as cost for condonation of delay. This Court is of the view that the Labour Court can be directed to take up the main I.D.s themselves. However, the second respondent will have to be again put on terms. The Labour Court is directed to number the main applications to set aside the *exparte* awards and allow the same. The second respondent has agreed to pay a sum of Rs.25,000/- to each of the four workman herein. The said amount should be paid by way of Demand Draft drawn in the name of the individual workman within a period of four weeks from the date of receipt of a copy of this order. The Labour Court, Madurai, is directed to dispose of the main I.D.s within a period of six months from the date of receipt of a copy of this order. The Labour Court, Madurai, shall submit report of compliance to the Registry, indicating that the I.D.s have been finally disposed of, in accordance with law after hearing both the parties. The Registry is directed to place the said compliance report before me thereafter.

4.The learned counsel on either side submit that at present the Labour Court, Madurai, is not having a regular Presiding Officer. However an in-charge Presiding Officer will definitely be holding Court. The job of the in-charge officer is not to merely to give dates. The in-charge Presiding Officer is directed to take up the matter on file and dispose of the main I.D.s.

5.With these directions, the Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/  
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To  
The Presiding Officer,  
Labour Court,  
District Court Buildings,  
Madurai - 625 020.

Copy to:

The Section Officer, Writ Section,  
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Shanmugha Raja Sethupathy, Advocate, SR.No. 56318  
+4cc to Mr.N.Sundaresan, Advocate, SR.No.56025

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