

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10151 of 2005

&

W.M.P.No.27743 of 2005

M/s. Aarthi Motors (Pvt) Ltd.,
Represented by its Director,
Mrs.Sonia Harita
No.4, Pattullas Road,
Chennai - 600018.

...Petitioner

Vs.

1. The Secretary,
Labour and Welfare Department
Government of Tamilnadu,
Fort St.George, Chennai.
2. The Commissioner of Labour,
Fort St.George, Chennai.
3. The Labour Officer III,
Kuralagam, 3rd Floor,
Chennai - 104.
4. The Presiding Officer,
Principal Labour Court,
Chennai.
5. Mr.P.Jayashankar,
General Secretary,
The Tamil Nadu General Workers Union
No.9/5, Margo Street,
Alandur, Chennai - 600016.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue the Writ of Certiorari to call for the records relating to the award passed by the 4th respondent dated 25.08.2003 in I.D.No.200 of 2003 and quash the same.

For Petitioner : Mr.S.Venkatesan
For Respondents: Mr.D.Raghu

Government Advocate [R1 to R3]
Labour Court [R4]
Mr.K.M.Ramesh [R5]

ORDER

The relief sought for in the present writ petition is to quash the award dated 25.08.2003 passed in I.D.No.200 of 2003. The exparte award was passed by the Labour Court.

2. The learned counsel appearing on behalf of the fifth respondent/workman made a submission that the writ petitioner had not filed any petition to set aside the exparte award before the Labour Court. Contrarily, the petitioner has chosen to file the present writ petition after a delay of about one year, thus, the writ petition cannot be entertained.

3. The learned counsel appearing on behalf of the writ petitioner also stated that the writ petitioner/Company was closed down long back and is not in operation, as of now. However, if at all an exparte award is passed by the Labour Court, the writ petitioner has to approach the Labour Court for the purpose of setting aside the exparte award. Contrarily, the writ petition cannot be entertained to quash the exparte award. Further, the writ petitioner/Company is not functioning as of now and the petitioner is also unable to secure any further instructions.

4. This being the factum, no purpose will be served by keeping this writ petition for an unspecified reason and consequently, the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
Labour and Welfare Department
Government of Tamilnadu,
Fort St.George, Chennai.

2. The Commissioner of Labour,
Fort St.George, Chennai.

3. The Labour Officer III,
Kuralagam, 3rd Floor,
Chennai - 104.

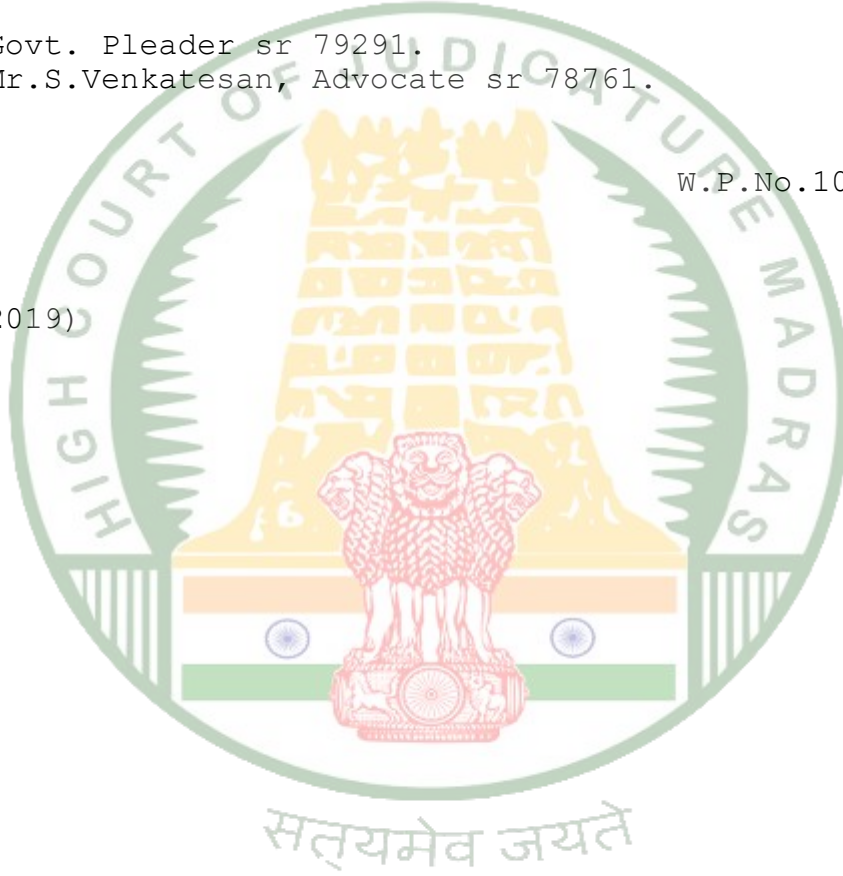
4. The Presiding Officer,
Principal Labour Court,
Chennai.

+1 CC to Govt. Pleader sr 79291.

+1 CC to Mr.S.Venkatesan, Advocate sr 78761.

W.P.No.10151 of 2005

SP(31/10/2019)



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