

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

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

W.P.No.17150 of 2005

and

W.P.M.P.No.18624 of 2005

M/s.Presswood Industries Ltd.,
rep.by its Director,
Jogikalasamanapalli,
Alur Road, Bagalur,
Hosur Taluk,
Dharmapuri District.

..Petitioner

vs

1.The Tahsildar,
Hosur,
Dharmapuri District.

2.The Presiding Officer,
Labour Court,
Salem.

3.G.Vaidyalingam

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 23.04.1999 passed in C.P.No.67 of 1999 by the Second Respondent and quash the same and consequently remand the matter in C.P.No.67 of 1999 back to the Second Respondent for fresh adjudication in accordance with law after issuance of notice to the petitioner.

For Petitioner : Mr.M.Aravind Subramaniam

For Respondents : R1 - Mr.M.Elumalai
R-2 - Labour Court
R-3 - Mr.J.Narayanamurthy

O R D E R

The order dated 23.04.1999 passed in C.P.No.67 of 1999 is sought to be quashed in the present writ petition and a further

direction is sought for to remand the matter back to the 2nd respondent for fresh adjudication.

2. The Petitioner Company was incorporated in the year 1981 with the object of carrying on business of timber, saw-mill, etc.,

3. It is stated that the petitioner company became financially sick and was referred to the Board for Industrial Finance and Reconstruction in the year 1989 vide Case No.6/95. The BIFR tried several measures to revive the Company and finally in the year 1998, recommended the Winding Up of the Company. Under those circumstances, the claim petition was filed by the workman in C.P.No.67 of 1999 under Section 31 C (2) to compute the money value of Rs.3,36,100/- (Rupees Three Lakh Thirty Six Thousand and One Hundred only) being the wages for the period from 12.10.1988 to 31.12.1998 and Bonus, Leave salary for the said period.

4. The Labour Court passed an Exparte order. Undoubtedly, the writ petitioner is entitled to file a petition to set aside the Exparte Award passed in C.P.No.67 of 1999. No such Interlocutory Application to set aside the Exparte award was passed within a reasonable period of time. Contrarily, the present writ petition is filed after a lapse of about six years from the date of passing of the order in the claim petition.

5. In nutshell, the claim petition in C.P.No.67 of 1999 was allowed by the Labour Court, Salem on 23.04.1999 and the writ petition was filed on 8th May 2005, after a lapse of about six years from the date of passing of the order of the Labour Court in claim petition. Thus, the writ petition is highly belated and liable to be rejected on the ground of laches.

6. This apart, it is stated that the writ petitioner company was wound up.

7. Under these circumstances, this Court is not inclined to consider the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed on the ground of laches. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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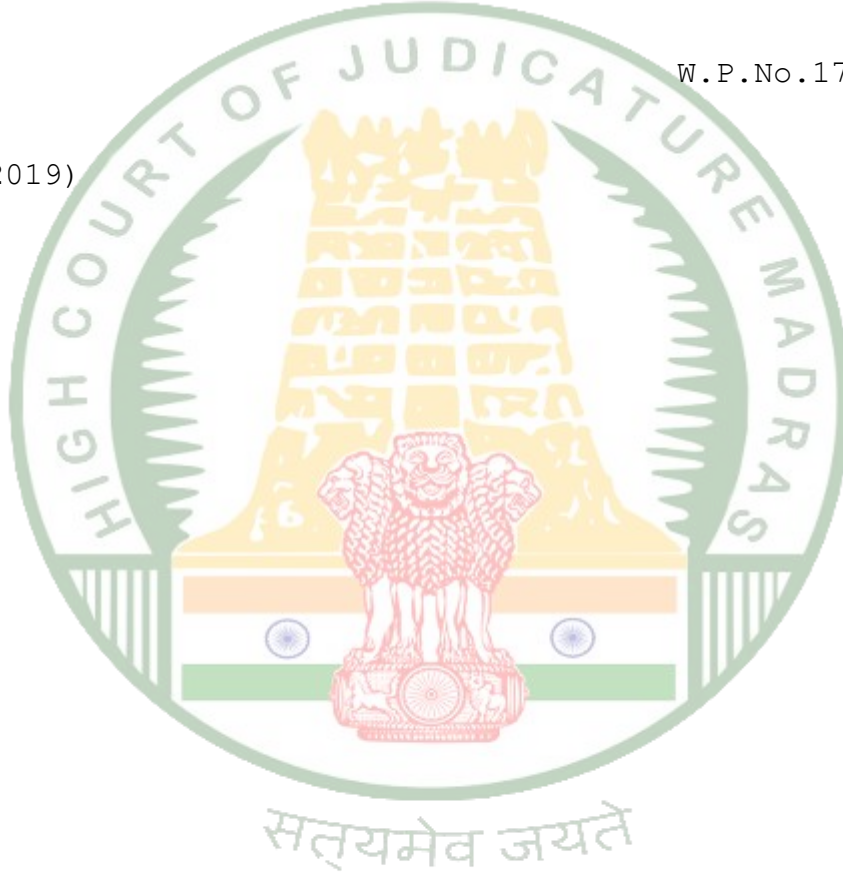
1.The Tahsildar,
Hosur, Dharmapuri District.

2.The Presiding Officer,
Labour Court, Salem.

+1cc to Mr.M.Aravind Subramaniam, Advocate SR.78997
+1cc to the Government Pleader SR.79388

W.P.No.17150 of 2005

SS (CO)
CB(15/10/2019)



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