

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.02.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.4405 of 2019
and
W.M.P.No.4959 of 2019

The Management,
Honey Rock Estate,
Manjakuttai Post,
Yercaud-636 602
Salem District

.. Petitioner

Vs.

The General Secretary,
Neelamalai Thotta Thozilalar Sangam,
Thotta Thozilalar Illam,
Main Road,
Yercaud-636 601

..... Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records on the file of Labour Court, Salem (the respondent herein) in I.A.No.154 of 2018 in I.D.No.26 of 2018, and to quash the docket order, dated 8.11.2018, passed therein and consequently direct the Labour Court, Salem to restore I.A.No.154 of 2018 in I.D.No.26 of 2018 to its file and dispose of the same in accordance with law.

For Petitioner

.. Mr.M.R.Raghavan

ORDER

The present writ petition has been filed against the order passed by the Labour Court, Salem, in I.A.No.154 of 2018 in I.D.No.26 of 2018, rejecting the application filed by the petitioner Management, seeking condonation of delay of six days in filing the petition to set aside the order, dated 09.10.2018, setting the petitioner ex-parte.

2.In support of the I.A., the petitioner Management has filed an affidavit stating reasons for their non-appearance on 9.10.2018 and despite the explanation offered on behalf of the

petitioner, the learned Presiding Officer of the Labour Court has dismissed the petition on the ground that the representative of the petitioner Management was present before the Court on that date, i.e. on 09.10.2018, but deliberately has not represented his case.

3.The learned counsel appearing for the petitioner Management would submit that the representative of the Management had reached the Court belatedly on that date in view of the reasons as assigned in the affidavit in paragraph No.2 and unfortunately, the Labour Court has held that there was no representation on behalf of the Management on 09.10.2018 and dismissed the I.A.

4.This Court has considered the averments contained in the affidavit filed in support of I.A.No.154 of 2018 and finds that the representative of the Management has offered explanation for not being present before the Court when the case was called by the Labour Court, on 09.10.2018. Unfortunately, the Labour Court, on personal assumption had dismissed the I.A.

5.This Court finds that the representative of the Petitioner Management had offered explanation as to why he was not present before the Court when the matter was called. In view of the same, this Court, having convinced with the reasons for the delay, condones the delay and the impugned docket order dated 08.11.2018 is hereby set aside. Consequently I.A.No.154 of 2018 stands allowed.

In the result, the writ petition is allowed at the admission stage itself. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

msk

To
The Labour Court,
Salem.

+1cc to Mr.R.Raghavan, Advocate, S.R.No. 13967

W.P.No.4405 of 2019

GS II (CO)
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