

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27146 of 2013
M.P.Nos.1 of 2014 & 1 of 2013

The Management of Essar Machine Works Ltd,
Plot No.155, Industrial Estate,
Perungudi,
Chennai-96.

...Petitioner

vs.

1.The Presiding Officer
1st Additional Labour Court,
Chennai.

2. M.Murali ... Respondent

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 connected with I.A.No.490 of 2013 in C.P.No.478 of 2003 to 492/2003 dated 12.09.2013 file of the 1st respondent and quash the same and direct the 1st respondent to take on file the Additional Counter Statement dated 31.07.2013 and thereby render justice.

For Petitioner : M/s.FOX MANDAL and Association
for Mr.John Zachariah

For Respondents : Mr.R.Natarajan for R2.
R1-Labour Court.

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O R D E R

The order dated 12.09.2013 passed in I.A.No.490 of 2013 in C.P.Nos.478 to 492 of 2003 is under challenge in the present writ petition.

2. The writ petitioner/Management claims that the respondents were engaged as apprentices for a period of two years. The period of apprentices was extended for further

period of 18 months. The apprenticeship of the respondents 2 to 13 had been determined on 06.11.1999 itself. However, the fact remains that the workmen approached the Labour Court by raising an Industrial Dispute and the Labour Court passed an award and the award became final. Consequently, the claim petition is filed under Section 33(C)(2) of the Industrial Disputes Act. The claim petition itself was filed in the year 2003 and after a lapse of 10 years, the writ petitioner/Management filed an Interlocutory application in I.A.No.470 of 2013, to receive the additional counter statement on the ground that the Company has been closed and there is no work.

3. The learned counsel for the writ petitioner states that the company was closed on 07.11.2001. However, the interlocutory application itself is filed in the year 2013, after a lapse of more than 11 years. The Labour Court considered the grounds raised in the Interlocutory application and passed an order stating that the Interlocutory application was filed by the writ petitioner/Management to drag on the proceedings and there is a delay of more than 10 years in filing the Interlocutory application. Accordingly, the Interlocutory application was dismissed.

4. This Court is of the considered opinion that the award in the Industrial Dispute was passed in the year 2001 and the claim petitions were filed in the year 2003 and the said claim petitions are kept pending, on account of interim stay is granted in the present writ petition for many years.

5. Under these circumstances, this Court is not inclined to interfere with the order passed by the Labour Court. Accordingly, the order dated 12.09.2013 passed in I.A.No.490 of 2013 in C.P.No.478 to 492 of 2003 stands confirmed and the writ petition stands dismissed. The first respondent/Labour Court is directed to proceed with the claim petition and to dispose of the same as expeditiously as possible, by affording opportunity to all the parties concerned within a period of four months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssb

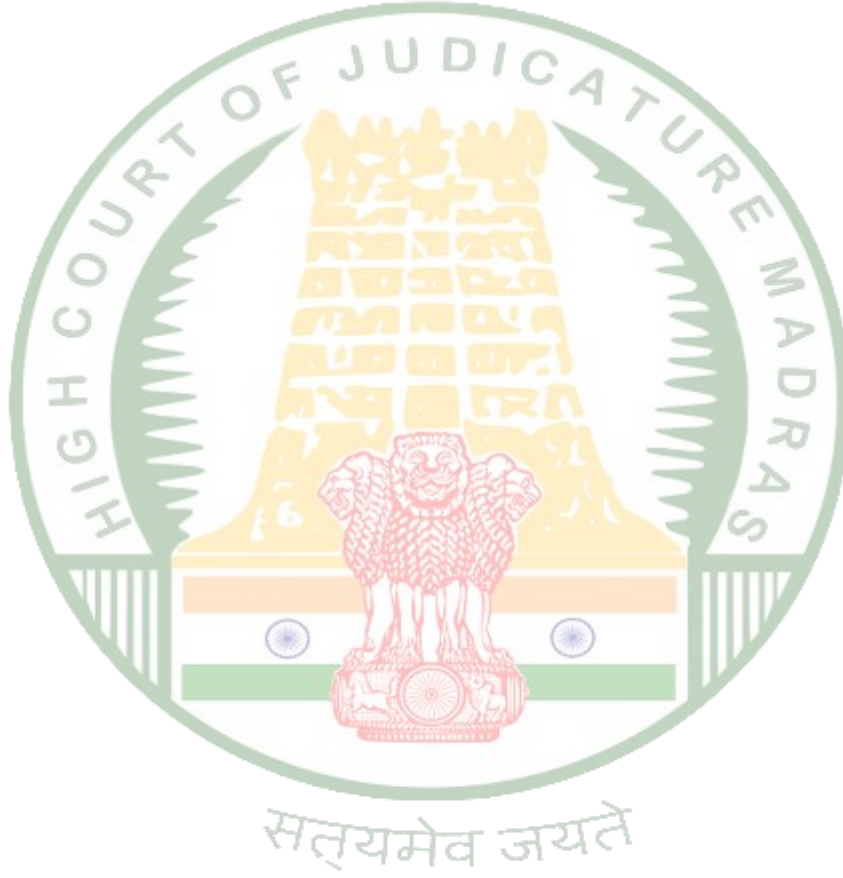
To

The Presiding Officer
1st Additional Labour Court,
Chennai.

+1CC to K.Natarajan, Advocate, SR.No.100128.

W.P.No.27146 of 2013

PVS (CO)
CSR: 31.01.2020



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