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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.27358 of 2013

Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Division,
rep. By the General Manager,
Dharmapuri. ... Petitioner

vs.

1. The Presiding Officer,
Labour Court, Salem.
2. The General Secretary,
Salem, Dharmapuri, Erode, Namakkal
District Transport and General Labour Union,
No.21, J1 Vivegananthan Street,
Salem - 07. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, calling for records in proceedings pursuant to the order passed in I.D.No.148/2009, dated 03.09.2012 on the file of the 1st Respondent and quash the same.

For Petitioner : Mr.R.K.Gandhi

For 2nd Respondent : Dismissed vide order dt. 06.09.2016

For R1 : Court

O R D E R

Petitioner has come up with the above Writ Petition challenging the order dated 03.09.2012 passed by the 1st Respondent in I.D.No.148/2009.

2. It is seen that on account of non-payment of batta, the above Writ Petition stood dismissed by an order of this Court dated 06.09.2016, insofar as the 2nd Respondent is concerned. For better appreciation, the said order is extracted hereunder:

"The above matter is listed today under the caption 'Default cases', for non-compliance of



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the requirements of the Registry, including the payment of batta.

2. The concerned counsels are directed to pay the batta and to comply with the other requirements of the Registry, on or before 20.09.2016, as a last chance, and to file proof of compliance, immediately thereafter.

3. On non-compliance of the requirements of the Registry, on or before the specified date, as directed by this Court, the Miscellaneous Petition and Writ Petition shall stand dismissed, automatically, insofar as the 2nd Respondent in the Miscellaneous Petition and Writ Petition is concerned, without further reference to this Court.

3. Without the contesting Respondent, the Award of the Labour Court cannot be interfered with, as the Labour Court, which is arrayed as Respondent No.1 in this Writ Petition is only a formal party and that the Labour Court cannot defend its order by engaging a Counsel.

4. Hence, in view of the fact that the above Writ Petition stood dismissed by an order dated 06.09.2016 insofar as the 2nd Respondent is concerned, the Petitioner/Transport Corporation is directed to comply with the Award dated 03.09.2012 passed by the Labour Court in I.D.No.148 of 2009 within a period of 45 days from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

(aeb)
To:

1.The Presiding Officer,
Labour Court, Salem.



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2. The General Secretary,
Salem, Dharmapuri, Erode, Namakkal
District Transport and General Labour Union,
No.21, J1 Vivegananthan Street,
Salem - 07.

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srg 16/09/2019