

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.6574 of 2019

R.Ramamoorthy

..... Petitioner

vs.

Sri Narendhira Raja Textiles Ltd.,
rep.by its General Manager,
B.Vadagopalayam, Coimbatore.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the production of the records ending with the order dated 17.1.2018 passed by the Presiding Officer, Labour Court, Chennai, in I.A.No.773 of 2017 in I.A.No.476 of 2017 in I.D.No.137 of 2003 and quash and set aside the said order.

For Petitioner ... Mr.J.Vasu

ORDER

According to the petitioner he was employed in the first respondent Textiles and was dismissed from service on 06.08.2001. He raised an Industrial Dispute against the dismissal order in I.D.No.137 of 2003 before the second respondent/Labour Court. On 06.10.2005, the Industrial Dispute was posted for enquiry and for appearance of both parties and the matter was adjourned on several occasions, at the instance of parties.

2. Thereafter, the Industrial Dispute came to be dismissed for non-appearance of the petitioner on 08.12.2008. The petitioner filed a petition to restore the Industrial Dispute, in I.A.No.451 of 2009 and the Management made an endorsement 'no counter' and the said I.A. was allowed on 06.01.2009. Thereafter, once again the petitioner remained absent and the Industrial Dispute was dismissed for default on 09.08.2011.

3. In the above said circumstances, the petitioner filed I.A.No.476 of 2017 to condone the delay of 2388 days in filing the restoration petition. The said I.A. was taken on file on 25.04.2017 and was adjourned to 25.5.2017. Once again there was no appearance on behalf of the petitioner and therefore, the I.A. was dismissed. The petitioner had again chosen to file another application in I.A.No.773 of 2017 to condone the delay of 77 days in restoring the I.A.No.476 of 2017 filed for condonation of delay of 2388 days, which was dismissed on 25.05.2017. Subsequently I.A.No.773 of 2017 was dismissed on 17.01.2018. As against the said order, the present writ petition has been filed.

4. From the narration of facts above, it could be seen that the petitioner, who was dismissed from service as early as on 06.08.2001, claiming continuity of service, has raised proceedings before the Labour Court, in which, he has chosen to appear on some occasions, but remained absent on several occasions and therefore, the Labour Court repeatedly dismissed the case for default and every time when the case was dismissed for default, the petitioner had chosen to file Interlocutory Applications with condone delay applications, praying for restoration of the Industrial Dispute. Even on those occasions, he remained absent, which impelled the Labour Court to dismiss the I.A.

5. The conduct of the petitioner appears to be that he is not interested in pursuing the Industrial Dispute raised by him effectively and leisurely he has been approaching the Labour Court and filing repeated Interlocutory Applications and one Interlocutory Application was seeking to condone the delay of 2388 days, which clearly shows the attitude and conduct of the petitioner that he wants to keep the issue alive for more than 17 years without any effective steps taken by him to pursue the Industrial Dispute, which was raised by him way back in 2003.

6. Such conduct and attitude exhibited by the petitioner cannot be condoned at any circumstance and no indulgence can be shown by this Court to entertain the present writ petition and therefore, this Court is of the view that the Labour Court has rightly rejected the application filed by the petitioner and therefore, the order passed by the Labour Court does not call for interference by this Court.

In the result, the writ petition stands dismissed. No costs.

Msk

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

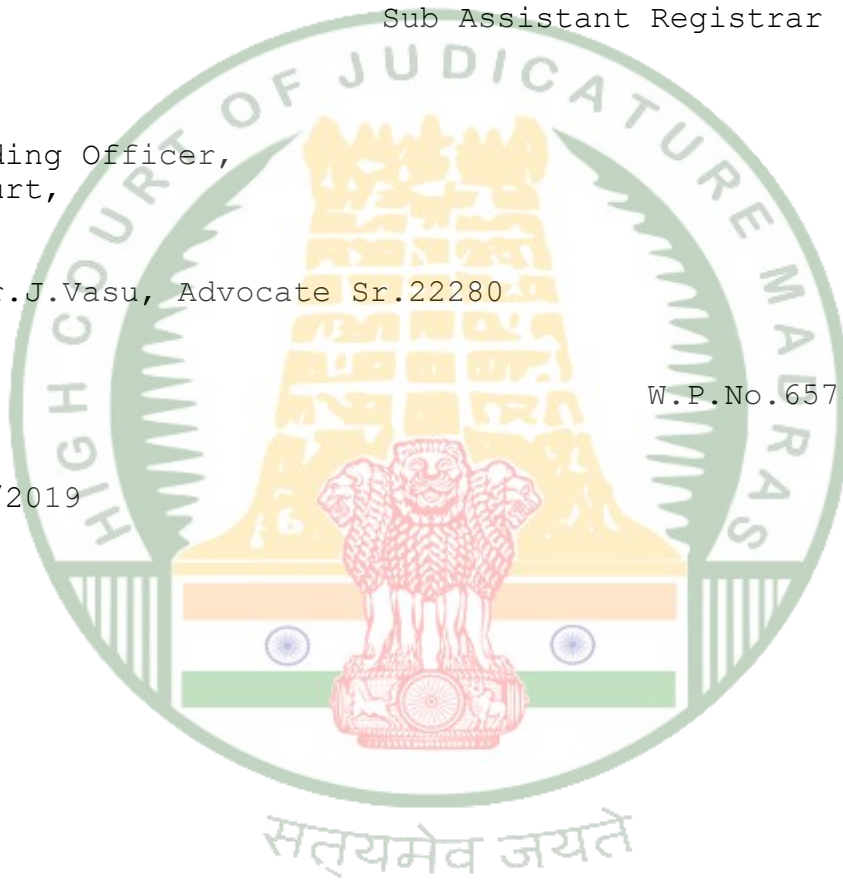
To

The Presiding Officer,
Labour Court,
Chennai.

+1cc to Mr.J.Vasu, Advocate Sr.22280

W.P.No.6574 of 2019

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