



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

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

W.P.Nos.10759, 10762, 10766 of 2019

and WMP.Nos. 11237, 11242, 11244 of 2019

Thulasiraman

...Petitioner in W.P.No.10759/2019

S.Chellappan

...Petitioner in W.P.No.10762/2019

V.Lakshmanan

...Petitioner in W.P.No.10766/2019

Vs.

MRL Industrial Co-operative Service Society Limited,
Manali, Chennai

...Respondents in all W.Ps.

Common Prayer:- Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the order passed by the Principal Labour Court, Chennai in I.A.Nos. 64, 63, 62 of 2018 in C.P.Nos.5, 4, 3 of 2017 in I.D.Nos.434 of 2005, 82 of 2004 and 531 of 2003 respectively on 05.12.2018 and quash the same.

For Petitioner : Mr.C.P.Hem Kumar

[in all W.Ps.] for M/s. Ganesh & Ganesh

COMMON ORDER

The order dated 05.12.2018 passed in I.A.Nos. 64, 63, 62 of 2018 in C.P.Nos.5, 4, 3 of 2017 in I.D.Nos.434 of 2005, 82 of 2004 and 531 of 2003 respectively are under challenge in these writ petitions.

2. The petitioner states that they were employed with the MRL Industrial Co-operative Service Society Limited. On account of certain allegations, enquiry proceedings were initiated and petitioners were dismissed from service and the allegation against the writ petitioners was regarding the theft of the material and the machineries of the company. The petitioners admittedly faced the domestic enquiry conducted by the MRL Industrial Co-operative Society and a criminal case was registered and in that criminal case the petitioners were acquitted from the charges. The petitioners raised an industrial dispute and the MRL Industrial Society failed to appear and consequently the Labour Court passed an ex-parte award. Thereafter, the respondent filed a petition to set aside the ex-parte order and filed a condone delay petition for condoning the delay in filing the setting aside the ex-parte order. In view of the fact that the interlocutory applications filed in I.A.Nos. 64, 63, 62 of 2018 for condoning the delay in filing the setting



aside petitions were allowed. Thus, the petitioners are constrained to move the present writ petitions.

3. This Court is of the considered opinion that the order impugned were passed in interlocutory applications wherein, the Labour Court, considering the reasons stated by the respondent for condoning the delay, condoned the same. All the issues in the claim petition or in the Industrial Dispute are to be decided on merits and in accordance with law. In normal circumstances, execution of the ex-parte award cannot be encouraged by this Court. In these cases, the respondent had not appeared and accordingly, the respondent was set ex-parte. The respondent has filed the petition to set aside the ex-parte order along with condone delay petition, which was allowed by the Labour Court. The Labour Court has stated that one chance has to be given to the respondent to establish their case on merits. With this finding, the interlocutory applications were allowed.

4. Under these circumstances, this Court is not inclined to interfere with the order passed by the Labour Court and the parties are at liberty to adjudicate the issues on merits and in accordance with law. The Labour Court is also directed to ensure that the claim petitions are decided as expeditiously as possible.

With this observation, the writ petitions are dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To
The Principal Labour Court, Chennai.

W.P.Nos.10759, 10762, 10766 of 2019
and WMP.Nos. 11237, 11242, 11244 of 2019

AP(CO)
CSR: 07/01/2020