

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.10.2019

CORAM

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

W.P.Nos.33538 to 33545 of 2013 and  
W.P.Nos.33586 to 33591 of 2013  
and M.P.Nos.1 to 1 of 2013 (in all Writ petitions)

THE MANAGEMENT,  
GORAA OVERSEAS,  
15, 6<sup>TH</sup> CROSS STREET,  
CHAMBERS COLONY,  
CHROMPET, CHENNAI.

... PETITIONER (IN ALL)

VS.

1. THE PRESIDING OFFICER,  
II ADDITIONAL LABOUR COURT,  
CHENNAI.

... R1 IN W.PS.33538 TO 33545/2013,  
33586 TO 33591/2013.

G. SATHIYAMURTHY

... R2 IN W.P.NO.33538/2013

R. IRUSAPPAN

... R2 IN W.P.NO.33539/2013

P. ELUMALAI

... R2 IN W.P.NO.33540/2013

S. JAANI

... R2 IN W.P.NO.33541/2013

A. PARAMASIVAN

... R2 IN W.P.NO.33542/2013

G. MANIMARAN

... R2 IN W.P.NO.33543/2013

E. JAYARAMAN

... R2 IN W.P.NO.33544/2013

K. RAJA

... R2 IN W.P.NO.33545/2013

R. SASIKUMAR

... R2 IN W.P.NO.33586/2013

B. SANTHOSH

... R2 IN W.P.NO.33587/2013

K. KANNAN

... R2 IN W.P.NO.33588/2013

E. RAMU

... R2 IN W.P.NO.33589/2013

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B.VINOTH

... R2 IN W.P.NO.33590/2013

K.RAMESH

... R2 IN W.P.NO.33591/2013

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the 1<sup>st</sup> respondent dated 20.09.2013 in I.A.No.42 to 44, 47, 48, 50, 51, 54, 45, 46, 49, 52, 53, 54/2012 in I.D.No.798 to 800, 803, 804, 806, 807, 810, 801, 802, 805, 808, 809 & 811/2010 respectively quash the order.

For Petitioner : Mr.K.Rangesh  
[in all W.Ps.] for M/s. Jayakumar & Associates

For Respondents : R1 - Labour Court  
Mr.P.Solomon [R2]

COMMON ORDER

The order dated 20.09.2013 passed in I.A.Nos.42 to 55 of 2012 in I.D.Nos.798 to 811 of 2010 is under challenge in the present writ petitions.

2. The Writ petitioner is the Management Gora Overseas. The grievance of the petitioner is that an ex-parte order was passed on 14.12.2011. The petitioner/Management filed I.A.Nos. 42 to 55 of 2012 in I.D.Nos.798 to 811 of 2010 to set aside the ex-parte order dated 14.12.2011. The said Interlocutory applications were dismissed by the II Additional Labour Court on 02.08.2012. Once again, the Labour Court, taken up the very same Interlocutory applications filed in I.A.Nos. 42 to 55 of 2012 and passed an order on 20.09.2013 stating that already an order was passed on 02.08.2012 and therefore, further orders cannot be passed in the very same Interlocutory applications.

3. This Court is unable to understand that once I.A.Nos.42 to 55 of 2012 was disposed of by the Labour Court on 02.08.2012, how the matter was listed for further hearing once again on 20.09.2013. However, the Labour Court has taken the matter and again passed an order on 20.09.2013 stating that as the Labour Court already passed an order further orders cannot be passed. The fact remains that the Interlocutory applications were filed by the writ petitioner/Management to set aside the ex-parte order passed by the Labour Court on 14.12.2011.

4. All the issues and disputes are to be adjudicated on merits and with reference to the documents and evidences

produced by the respective parties. High Court cannot encourage the ex-parte orders as the same would cause prejudice to the rights and interest of the respective parties. Only in certain exceptional cases where there is an intention on the side of the parties then alone, ex-parte orders can be confirmed and not otherwise.

5. In normal circumstances, the ex-parte orders are to be set aside and the parties must be provided with an opportunity to adjudicate all the issues and disputes on merits and in accordance with law.

6. This being the principles to be followed, the learned counsel for the writ petitioner also stated that they have filed counter affidavit in the main I.D within the time limit and they were pursuing the matter for the purpose of continuing the adjudication. On account of one non-appearance, the ex-parte order has been passed. Thus, this Court is inclined to consider the writ petition. This apart, it is brought to the notice of this Court that pursuant to the interim order granted in this writ petition, Industrial Dispute itself is in the process of adjudication before the Labour Court, Kancheepuram, on account of transfer of case from Labour Court, Chennai to Kancheepuram. Now the Labour Court, Kancheepuram is in the process of adjudication of the Industrial Disputes raised by the workmen. This being the factum, no prejudice would be caused in the event of setting aside the order impugned and allowing the parties to adjudicate the issue in the Industrial Dispute on merits and in accordance with law.

7. Accordingly, the order passed by the first respondent dated 20.09.2013 passed in I.A.Nos. 42 to 54 of 2012 in ID.Nos.798 to 811 of 2010 are quashed. The ex-parte order dated 14.12.2011 is also quashed. The Labour Court, Kancheepuram is directed to proceed with the Industrial Dispute and dispose of the same on merits and in accordance with law as expeditiously as possible.

Accordingly, these Writ petitions stand allowed. No costs. Connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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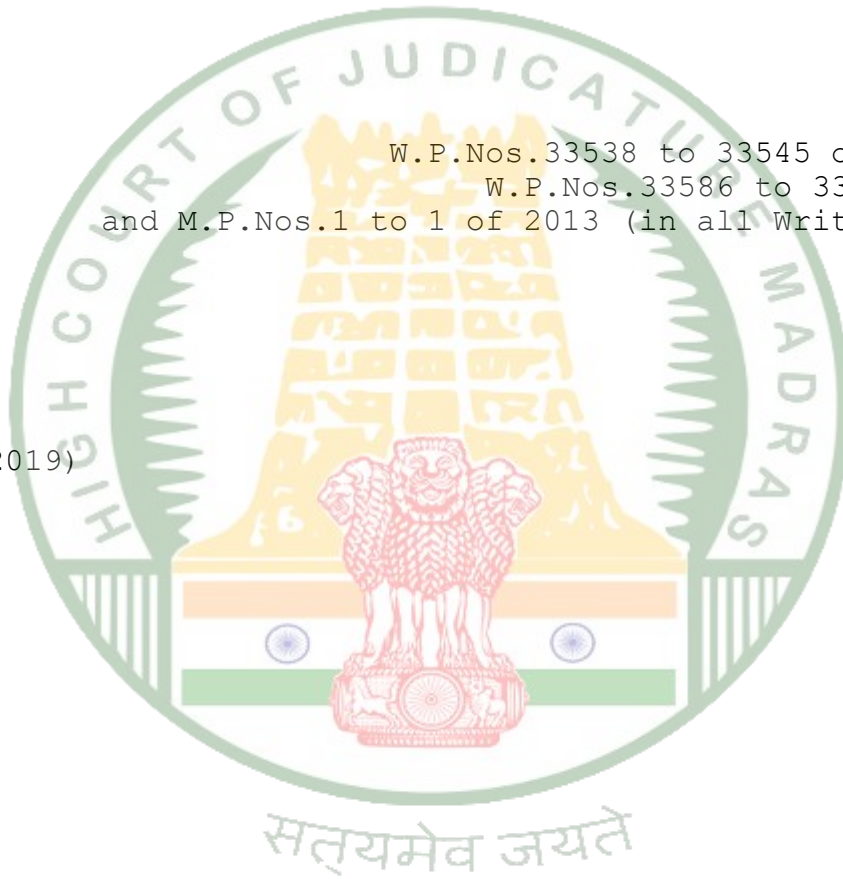
1. The Presiding Officer,  
II Additional Labour Court,  
Chennai.

2. The Presiding Officer,  
Labour Court,  
Kancheepuram.

+1 CC to M/s. Jayaraman & Associates sr 89871.

W.P.Nos.33538 to 33545 of 2013 and  
W.P.Nos.33586 to 33591 of 2013  
and M.P.Nos.1 to 1 of 2013 (in all Writ petitions)

RV (CO)  
SP (02/12/2019)



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