

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos. 12934 to 12936 of 2018

and

W.M.P. Nos. 15187 to 15189 of 2018

1. Kapoor

.. Petitioner in
W.P. No.12934/2018

2. E. Arumugam

.. Petitioner in
W.P. No.12935/2018

3. Sahul Hameed

.. Petitioner in
W.P. No.12936/2018

vs.

1.The Presiding Officer
First Additional Labour Court
Chennai.

2.The Management of South
Handloom, Rep. by
Authorised Signatory
No.37 (18) Rajamannar Salai
Thyagaraya Nagar
Chennai - 600 017.

.. Respondents
in all WPs.

PRAYER in all the WPs.:- These writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for records pertaining to I.A. No.233 of 2017 in I.D. No.101/2016, I.A. No.232 of 2017 in I.D. No.100/2016 and I.A. No.234 of 2017 in I.D. No.102/2016 dated 24.01.2018 pending on the file of the 1st respondent and quash the same.

For Petitioners : Mr.C.D. Sugumar
in all W.Ps

For Respondents : R1- Court
in all W.Ps

Mr. S. Sairaman for R2

C O M M O N O R D E R

These Writ Petitions are filed seeking to quash the orders passed by the 1st respondent in I.A. No.233 of 2017 in I.D. No.101/2016, I.A. No.232 of 2017 in I.D. No.100/2016 and I.A. No.234 of 2017 in I.D. No.102/2016 dated 24.01.2018.

2. The learned counsel for the petitioners would submit that the Labour Court passed an ex-parte award on 11.07.2016 on account of non-appearance of the 2nd respondent in I.D. Nos. 101, 100 and 102 of 2016. Against the same, the 2nd respondent filed applications in I.A. No.110, 109 and 111 of 2017 respectively, to condone the delay of 164 days in filing the petition to set aside the ex-parte order dated 11.07.2016. The Labour Court by its order dated 24.07.2017 allowed the condone delay applications, imposing a cost of Rs.1500/- for each cases. According to the petitioners, without considering the submission of the petitioners, the Labour Court allowed the petitions to set aside the ex-parte order awarding a sum of Rs.500/- as cost. Challenging the said orders dated 24.01.2018 the petitioners have filed the present writ petitions before this Court.

3. The learned counsel for the 2nd respondent would submit that the 2nd respondent filed applications seeking to set aside the ex-parte orders dated 11.07.2016 passed by the Labour Court, along with the condone delay applications. The Labour Court by its order dated 24.07.2017 condoned the delay in filing the set aside petitions and subsequently the ex-parte order was also set aside. Hence, there is no infirmity in the order passed by the Labour Court. It is further submitted that the petitioners have not chosen to challenge the order of the Labour Court condoning the delay. Therefore, the present writ petition challenging the order setting aside the ex-parte order cannot be entertained.

4. Heard the submissions of both sides.

5. In view of the above submissions and the settled principles of the Hon'ble Supreme Court in the case of Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & others [2013 (5) CTC 547 (SC)], wherein it is held that there should be a liberal, pragmatic, justice oriented, non-pedantic approach while dealing with an Application for condonation of delay and to set aside ex-parte decree, this Court is not inclined to interfere with the order of the Labour Court.

6. Accordingly, the writ petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1.The Presiding Officer
First Additional Labour Court
Chennai.

2.The Authorised Signatory
Management of South Handloom,
No.37 (18) Rajamannar Salai
Thyagaraya Nagar
Chennai - 600 017.

+1cc to Mr. S. Sairaman, Advocate sr.no.16459

+3cc to Mr.C.D. Sugumar, Advocate sr.no.7056, 7057, 7058

W.P.Nos. 12934 to 12936 of 2018
and

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nr 20/03/2019

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