

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM

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

W.P.No.36270 of 2016

and

W.M.P.Nos.31182 & 31183 of 2016

Vedaranyam Primary Agricultural
Co-operative Credit Society Ltd.,
Rep by its Secretary,
Vedaranyam, Nagapattinam District. Petitioner

Vs.

1. Presiding Officer,
Labour Court,
Cuddalore.

2. S.Kannan ... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorarified Mandamus to call for the records of the
exparte award passed by the first respondent in C.P.No.25
of 2011 dated 24.07.2014 quash the same and remand the
matter to the first respondent to pass award on merit
after affording opportunity to the parties.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Labour Court [R1]

Mr.R.Murge Bharathi [R2]

O R D E R

The Award passed by the first respondent in C.P.No.25
of 2011 dated 24.07.2014 is sought to be quashed in the
present writ petition.

2. The petitioner states that the second respondent
was engaged as a daily rated employee of the
petitioner/Society and he was engaged on need basis. When
the Society was not in need of the services of the second
respondent as daily wage employee, he was not provided
with any job. Taking advantage of the fact that he was
engaged as a daily wage employee, the petitioner raised a

dispute stating that he is entitled for reinstatement with back wages. The Labour Court passed an award on 24.07.2014, directing the writ petitioner to reinstate the second respondent without back wages.

3. The learned counsel appearing on behalf of the writ petitioner states that the order of the Labour Court is an exparte award and the writ petitioner did not get any opportunity to file documents and adduced evidences.

4. This Court is of the considered opinion that all such dispute ought to be adjudicated on merits and with reference to the documents and evidences to be produced by the parties concerned. In the present case, the award impugned, is an exparte award and the learned counsel for the writ petitioner states that the second respondent was engaged as a daily rated employee and subsequently, his services were not utilized by the writ petitioner/Society. This being the factum, he is not entitled for any reinstatement or the continuity of service and this Court is inclined to remand the matter back to the Labour Court for fresh adjudication.

5. Accordingly, the impugned award dated 24.07.2014 passed by the first respondent in C.P.No.25 of 2011 is quashed. The matter is remanded back to the first respondent for adjudication and decide the matter on merits and in accordance with law by affording opportunity to all the parties concerned. The writ petitioner as well as the second respondent are also directed to cooperate for the early disposal of the Claim Petition and the respective parties should not ask any unnecessary adjournment of the matter before the Labour Court. The Labour Court is also directed to hear the matter and decide the same, as expeditiously as possible.

6. With these directions, the writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To
Presiding Officer,
Labour Court,
Cuddalore.

+lcc to Mr.M.S.Palaniswamy, Advocate SR.No. 83691

+lcc to Mr. R.Murge Bharathi, Advocate SR.No. 83331

W.P.No.36270 of 2016

A.SK(21/11/2019)