

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.29043 of 2019

S.Raja

.. Petitioner

-vs-

1.M/s.Hindustan Unilever Ltd.,
Tea Factory Manager,
Puducherry-605 102.

2.The Presiding Officer,
Labour Court at Puducherry,
Puducherry.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the impugned award dated 15.05.2013 made in I.D.No.3 of 2011, on the file of Labour Court, Puducherry and quash the same as far as the finding of the labour court that the domestic enquiry was held fair and proper and the charge against the petitioner is proved and imposition of punishment of 1 year wages increment cut with cumulative effect and denial of 50% back wages, consequently direct the 1st respondent to pay full back wages to the petitioner.

For Petitioner : Mr.P.R.Thiruneelakandan,

For Respondent-1 : Mr.Sanjay Mohan
For M/s.S.Ramasubramaniam &
Associates

R2 : Court

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O R D E R

The Award dated 15.05.2013, passed by the 2nd respondent in I.D.No.3 of 2011 is sought to be quashed in the present writ petition.

2.The learned counsel appearing on behalf of the writ petitioner mainly contended that the writ petition is filed in view of the fact that the Labour Court had not considered the

issues raised by the workman as well as the documents filed. The merits raised by the workman with reference to his explanations as well as the documents were not even considered by the Labour Court and there is no finding available in this regard. Thus, the writ petitioner is constrained to move the present writ petition.

3.At the outset, the learned counsel for the petitioner is of the firm opinion that the Labour Court ought to have adjudicated the merits placed before it by the workman and there is no such finding and therefore, the award of the Labour Court is untenable.

4.The learned counsel appearing on behalf of the 1st respondent Management reiterated by stating that the very same award dated 15.05.2013, in I.D.No.03 of 2011 was challenged by the Management in W.P.No.33610 of 2013 and this Court heard the matter elaborately and by an order dated 25.09.2019, quashed the award. The workman was represented by the same learned counsel, who in turn, made his submissions. The present writ petition is filed on 9th September, 2019, when the arguments in the writ petition filed by the Management in W.P.No.33610 of 2013 was in progress. Thus, the present writ petition is to be rejected on the ground of laches, as the award dated 15.05.2013, is challenged after a lapse of about six years on 9th September, 2019.

5.The order of this Court dated 25.09.2019, in W.P.No.33610 of 2019 is placed before this Court, wherein this Court considered all the submissions made on behalf of the respective parties and quashed the award dated 15.05.2013 passed in I.D.No.03 of 2011. When the award itself was quashed, a fresh writ petition now filed challenging the very same award deserves no merit consideration. This apart, the present writ petition is filed after a lapse of six years from the date of passing of the award on 15.05.2013 and accordingly, hit by laches. In this view of the matter, the merits and demerits of the issues already adjudicated in the writ petition filed by the Management in W.P.No.33610 of 2013 cannot be re-adjudicated and consequently, W.P.No.29403 of 2019 stands dismissed both on merits as well as on the ground of laches. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Tea Factory Manager,
M/s.Hindustan Unilever Ltd.,
Puducherry-605 102.

2.The Presiding Officer,
Labour Court at Puducherry,
Puducherry.

+lcc to Mr.P.R.Thiruneelakandan, Advocate, S.R.No. 86296

W.P.No.29043 of 2019

VG I(CO)
GN(19/11/2019)



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