

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.08.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 2276 of 2018
and
W.M.P. No. 2776 of 2018

The Management of Greeta Musical Instruments
Manufacturing and Exports Pvt. Ltd.,
No. 96, Functional Estate,
Perungudi,
Chennai - 600 020,
Rep. By its Managing Director,
Mr. K.J. Mani.

... Petitioner

-vs-

1. The Presiding Officer,
II Additional Labour Court,
Chennai.
2. K.B. Ravindran
3. A.J. Saiprasad
4. S. Gopal
5. N. Devarajan
6. P. Gopalakrishnan
7. D. Manickam
8. K. Nagaraj
9. S. Shyam Sundar
10. Nandakumar
11. T. Selvaraj
12. S. Vidya
13. K. Dhandapani
14. G. Rajeev

15. S. Chandrasekar
16. B. Veera Raghavan
17. V. Adhimoolam
18. A. Ganesan
19. Pensilaiayah
20. Shakunthala

21. K. Babu

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the First Respondent from proceeding further in E.P. No. 115 of 2015 without disposing I.A. No. 38 of 2017 in C.P. No. 32 of 2012.

For Petitioner : Mr. S. Haroon AL Rasheed
for M/s. T.S. Gopalan & Co.

For Respondents: R1 - Labour Court

Mr. C. Sivanesan
(for R2 to R21)

O R D E R
(through video conference)

Heard Mr. S.Haroon AL Rasheed, Learned Counsel for the Petitioner and Mr. C.Sivanesan, Learned Counsel for the Second to Twenty First Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the matter which would not cause any prejudice to the Second to Twenty First Respondents, notice to them is dispensed with.

3. According to the Learned Counsel for the Petitioner, an exparte order dated 14.03.2014 against the Petitioner was passed by the II Additional Labour Court, Chennai (hereinafter referred to as the 'Labour Court' for short) in C.P. No. 32 of

2012 which is an application filed by the Second to Twenty First Respondents under Section 33-C(2) of the Industrial Disputes Act, 1947, claiming certain monetary benefits aggregating to Rs. 37,96,136/-. The Petitioner made an application to set aside that exparte order along with application bearing I.A. No. 38 of 2017 to condone delay in filing the same, which was posted for hearing on 06.04.2017 before the Labour Court. The Second to Twenty First Respondents had in the meanwhile filed Execution Petition in E.P. No. 115 of 2015 before the Labour Court to execute the order dated 14.03.2014 in C.P. No. 32 of 2012, which was also posted for hearing on 06.04.2017 before the Labour Court. However, it appears that the Labour Court had set the Petitioner exparte in the Execution Petition in E.P. No. 115 of 2015 and had ordered attachment of certain movable assets. Thereafter, the Petitioner filed applications in E.A. Nos. 16, 17 and 18 of 2018 to set aside the said exparte order and raise the order of attachment passed, which are pending. In that backdrop, this Writ Petition has been filed to restrain the Labour Court from proceeding further in E.P. No. 115 of 2015 without disposing I.A. No. 38 of 2017 in C.P. No. 32 of 2012. It is informed by the Learned Counsel for the Petitioner that the matter is posted for next hearing on 07.09.2020 before the Labour Court.

4. Having due regard to the aforesaid status of the pending proceedings before the Labour Court, this Court without expressing any view on the merits of the contentious issues between the parties, requires the Labour Court to immediately take up the applications in E.A. Nos. 16, 17 and 18 of 2018 in E.P. No. 115 of 2015 and I.A. No. 38 of 2017 in C.P. No. 32 of 2012 on the next hearing and after affording full opportunity of hearing to the parties concerned, dispose of the same following the prescribed procedure on merits and in accordance with law, preferably by 31.12.2020. It is made clear that further proceedings pursuant to the order of attachment dated 06.04.2017 in E.P. No. 115 of 2015 shall be deferred till the aforesaid applications are disposed and depending upon its outcome, the Labour Court shall proceed further in the matter.

The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

To

The Presiding Officer,
II Additional Labour Court,
Chennai.

W.P. No. 2276 of 2018

rv(co)
aa08/09/2020