

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.01.2020
CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.24910 of 2018

K.Murugesan

.. Petitioner

vs

The Management,
Indian Furniture Products Limited,
No.G-106, SIDCO Industrial Estate,
Kakkalur,
Thiruvallur District
Pincode 602 003.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of the Presiding Officer, II Additional Labour Court, Chennai, relating to order dated 23.08.2018 in I.A.No.279 f 2017 in I.D.No.8 of 2006 and quash the same and consequently direct the Presiding Officer, II Addl.Labour Court, Chennai to allow the condone delay in restoration petitioner filed by the petitioner.

For Petitioner : Mr.C.Venkatesan
For Respondent : Mr.M.Kandasamy

O R D E R

This Writ Petition is filed challenging the order of the Labour Court dated 23.08.2018 made in I.A.No.279/2017 in I.D.No.8/2006.

2. The Labour Court, through the impugned order, dismissed the above said interim application filed under Section 5 of the Limitation Act, seeking to condone the delay of 1261 days in filing the restoration petitioner on the said I.D.No.8/2006. The contention of the petitioner/ workman before the Labour Court is that the I.D. was dismissed for default on 11.04.2014 and he could not appear on that day as his mother, due to age old ailments, was suffering from intestine ulcer and therefore, he has to take care of her. By contending so, the petitioner filed the said interim application. The Labour Court, however, dismissed the said application on the reason that the award passed on 11.04.2014 is after full trial and not an exparte award or an award dismissing the I.D. for default.

3. Heard both sides. Perused the materials placed before this Court.

4. When the matter was listed for hearing last occasion on 08.01.2020, this Court directed the petitioner to produce the award passed by the Labour Court in I.D.No.8/2006 dated 11.04.2014. Accordingly, today, when the matter is listed, learned counsel for the petitioner produced a copy of the said award. Perusal of the same would show that the same was passed on merits after hearing both sides and after full trial. Therefore, it is not right to contend that the said award was passed either as an exparte award or dismissing the I.D. for default.

5. Considering the fact that the petitioner presumed it as an exparte award and filed the above I.A. and the said I.A. was dismissed on 08.11.2017 and the present writ petition is filed on 17.09.2018 and further considering the fact that the award was passed on merits, this Court is of the view that it is for the petitioner to challenge the said award in a manner known to law. Accordingly, this Writ Petition is disposed of by granting liberty to the petitioner to challenge the said award dated 11.04.2014 made in I.D.No.8/2006 before the appropriate forum. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

vsi

To

The Presiding Officer,
II Additional Labour Court,
Chennai.

+lcc to Mr.C.Venkatesan, Advocate, SR.No.5136.

BS (CO)
CSR: 20.02.2020

W.P.No.24910 of 2018

WEB COPY