



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P.(MD)No.9592 of 2018

and

W.M.P.(MD)No.8861 of 2018

WEB COPY

M.Venkateshwaran

... Petitioner

/vs./

1.The Chairman,

Centre for Monitoring Indian Economy Pvt. Ltd.,
HO:11, Apple Heritage,
54.C, Andheri - Kurla Road,
Andheri (East), Mumbai - 400 093.

2.The Field Information Officer,

Center for Monitoring Indian Economy Pvt. Ltd.,
49, Aftab Arcade, TB Main Road,
Madurai - 625 010.

3.The Presiding Officer,

Labour Court, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in their proceedings of the impugned order in C.P..... / 2016 in A.No.1350/18.08.2016 & 19.09.2016 and quash the same as illegal and arbitrary and consequently direct the 3rd respondent for taking over the said claim petition into the file of the labour Court, Madurai, and dispose the same in accordance with law.

For Petitioner	:	Mr.V.Muniasamy
For R-1 & R-2	:	No appearance
For R-3	:	Court

ORDER

The petitioner has filed a claim petition under Section 33-C-2 of the Industrial Dispute Act, 1947, before the Labour Court, Madurai, and by order dated 05.12.2016, the claim petition came to be rejected even without numbering the same.

2. Whenever the Labour Court is of the view that the claim petition is not maintainable, the appropriate approach would be to number the claim petition and thereafter, the question of maintainability could be addressed as an issue in the claim petition. Without numbering the claim petition and rejecting the same on merits, is impermissible and the petitioner would also be



deprived of challenging the order passed in the unnumbered claim petition.

3. In the light of the above observations, the impugned order dated 05.12.2016 in unnumbered C.P..... / 2016 in A.No.1350/18.08.2016 & 19.09.2016 is set aside. Consequently, there shall be a direction to the Labour Court, Madurai, to take up the petitioner's claim petition and number the same, if it is otherwise in order and thereafter, pass appropriate orders on merits and in accordance with law. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Presiding Officer,
Labour Court, Madurai.

+1 CC to Mr.V.MUNIASAMY, Advocate (SR-5973[F] dated 12/02/2020)

Order made in
W.P. (MD)No.9592 of 2018
12.02.2020

VB(27.02.2020) 2P 3C