



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.20958 of 2002

B.Kanakaraj

... Petitioner

..Vs..

1. The Presiding Officer
Labour Court, Coimbatore.

2. Management
Sri Sudharsan Paper Mills Ltd.,
Motheypalayam,
Jadayampalayam P.O.
Sirumugai, Coimbatore 641 632.

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to I.D.No.212 of 1998 and quash the common award dated 14.06.2001 passed by the first respondent herein and direct the second respondent to reinstate the petitioner in service with backwages, continuity of services and all other benefits.

For Petitioner	:	Mr.K.V.Shanmuganathan
For Respondents	:	Mr.Kamalanathan for R2 R1-Labour Court

O R D E R

This writ petition has been filed, seeking to call for the records pertaining to I.D.No.212 of 1998 and quash the common award dated 14.06.2001 passed by the first respondent herein and direct the second respondent to reinstate the petitioner in service with back wages, continuity of services and all other benefits.

2. It is the case of the Petitioner / Workman that he was employed as Watchman in the 2nd Respondent Management and was terminated from service by way of an oral order. Aggrieved by the same, he approached the Labour Court in I.D.No.212 of 1998, which was dismissed by the Labour Court. Challenging the same, the Petitioner / Workman is before this Court.



3. It is further case of the Workman that though the Management has not complied with Section 25(N) of the Industrial Disputes Act, 1947, the Labour Court, however, held that the Industrial Dispute has not been raised in accordance with law and that the Management was willing to pay the compensation, as has been extended to others and out of 41 workmen, 32 workmen have accepted and that this Workman alone raised the dispute.

4. Learned counsel for the 2nd Respondent / Management Mill contended that the 2nd Respondent Mill has already been closed and there is no communication from the 2nd Respondent, as the communication sent has been returned. He further contended that the matter is pending from the year 2002 and therefore, this Court may allow the Writ Petition, by setting aside the award dated 14.06.2001. Liberty may be granted to the Management to reopen the matter and argue the case on merits, in case they appear in future, by treating the order to be passed now as an exparte order.

5. In view of the above submission made by the learned counsel for the 2nd Respondent, this Writ Petition is allowed and the award dated dated 14.06.2001 is hereby set aside. Liberty is given to the Management to reopen the writ petition to argue on merits, as there are chances of Application being filed under Section 33 C (1), 33(C) (2) and 29 of the I.D.Act, 1947. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq

To

The Presiding Officer,
Labour Court, Coimbatore.

W.P.No.20958 of 2002

NRJK (CO)

K.RK. (26.10.2021)