

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.Nos.9291 of 2002 and 27850 of 2003
and W.M.P.Nos.34070 of 2003 and
5252 and 313 of 2004

W.P.No.9291 of 2002

T.P.K.Thilakavathy
Proprietrix,
M/s.Balamurugan Transport,
Krishnan Palayam Main Road,
Erode.

.... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Salem.

2. A.Parameswaran
3. R.Ravichandran
4. S.Loganathan
5. C.Ramaswamy
6. K.S.Raju
7. K.Rajeevan
8. A.Masia Naicken
9. P.Rajagopal
10. R.Ravi
11. P.Arumugam
12. M.Uvaraj
13. A.Thangavel
14. Thirugnanasambandam

C/o.Periyar Mavatta Motor
Workers Union,
Mohan Kumaramangalam Street,
P.T.Ranathivey Nagar, Erode - 11.

.... Respondents

W.P.No.27850 of 2003

T.P.K.Thilakavathy
Proprietrix,
M/s.Balamurugan Transport,
Krishnan Palayam Main Road,
Erode.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Salem.

2. A.Parameswaran
3. R.Ravichandran
4. S.Loganathan
5. C.Ramaswamy
6. K.S.Raju
7. K.Rajeevan
8. A.Masia Naicken
9. P.Rajagopal
10. R.Ravi
11. P.Arumugam
12. M.Uvaraj
13. A.Thangavel
14. Thirugnanasambandam
C/o.Periyar Mavatta Motor
Workers Union,
Mohan Kumaramangalam Street,
P.T.Ranathivey Nagar, Erode - 11.

15. P.K.Murthy
16. Palaniammal
17. K.Dhanapal
18. T.P.Dhamotharan
19. T.V.Senthilnathan
20. P.S.Srinivasan
21. P.S.Selvaraj
22. K.Kalai Selvi
23. V.M.Shanmugham
24. T.V.Panneerselvam
25. P.S.Murugesan

... Respondents

PRAYER in W.P.No.9291 of 2002: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in I.A.Nos.268 to 280 of 2000 in I.D.Nos.35, 36, 37, 38, 39, 40, 43, 44, 50, 51,

52, 53, 54/93 on the file of the first respondent and to quash his common order dated 12.10.2001.

PRAYER in W.P.No.27850 of 2003: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records from the file of the first respondent herein passed ex-parte award in I.D.No.35 to 40 of 1993, I.D.No.43 and 44 of 1993 and I.D.No.50 to 54 of 1993 dated 21.08.2000.

W.P.No.9291 of 2002

For Petitioner : M/s.S.Jayaraman
For R2 to R14 : Mr.V.Ajoy Khose

W.P.No. 27850 of 2003

For Petitioner : M/s.S.Jayaraman
For R2 to R14 : Mr.V.Ajoy Khose
For R15, 17 and 21 : Mr.M.Palani
- - - - -

C O M M O N O R D E R

These Writ Petitions are directed against the dismissal of the petition filed to set aside the ex-parte award passed by the Labour Court.

2. The petitioners filed a petition to condone the delay of 48 days in setting aside the ex-parte award passed against them. However, the Labour Court dismissed the same on the ground that there is no sufficient cause shown for condoning the delay.

3. The learned counsel for the petitioners would contend that the Transport Company is no longer in existence and it was sold.

4. On the other hand, the learned counsel for the workers would contend that the petitioner is operating certain buses and the workers were terminated from service on 30.11.1990 and they are without employment for the past 30 years. Therefore, he would contend that heavy costs shall be imposed on the petitioner.

5. However, it is seen that the delay in filing the petition to set aside the ex-parte award was only 48 days. The Writ Petitions were filed in the year 2002. For the past 17 years, the workers are languishing before this Court without

enjoying the fruits of the award. Had the Writ Petitions were disposed of immediately, the matter would have reached finality. Considering the fact that the parties shall be given ample opportunity to contest the case on merits and also the long wait of 17 years, the following order is passed:-

(a) The order passed by the Labour Court in I.D.No.35 to 40 of 1993, I.D.No.43 and 44 of 1993 and I.D.No.50 to 54 of 1993 dated 21.08.2000 stands set aside on condition that the petitioner pays a sum of Rs.10,000/- (Rupees Ten thousand only) for each worker.

(b) The respondents 2 to 14 / the workers are directed to communicate their present address to the petitioner at the earliest.

(c) On receipt of the letter from individual worker, the petitioner shall pay the compensation as ordered above within two weeks.

(d) On completion of payment, the Labour Court is directed to dispose of the I.D. within a period of six months from the date of commencement of the proceedings.

These Writ Petitions are ordered accordingly. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asi
To

The Presiding Officer,
Labour Court, Salem.

+1 cc to Mr.V.Ajoy Khose Advocate sr4674

W.P.Nos.9291 of 2002 and 27850 of 2003
and W.M.P.Nos.34070 of 2003 and
5252 and 313 of 2004

ad(co)
aa02/02/2021

4 of 4